

# REPORT OF THE COMMITTEE ON ZONING AND BUILDING

July 31, 2013

The Honorable,  
The Board of Commissioners of Cook County

## SECTION 1

### ATTENDANCE

Present: Chairman Silvestri, Vice Chairman Murphy, Commissioners Butler, Daley, Fritchey, Gainer, García, Gorman, Goslin, Moore, Schneider, Sims, Steele, Suffredin, and Tobolski (15)

Absent: Commissioner Collins and Reyes (2)

Ladies and Gentlemen:

Your Committee on Zoning and Building, having had under consideration the matter hereinafter mentioned, respectfully reports and recommends as follows:

### PROPOSED ORDINANCE AMENDMENTS

324284 AN AMENDMENT TO COOK COUNTY CODE, CHAPTER 114 SIGNS, ARTICLE II BILLBOARD AND OFF-PREMISES OUTDOOR ADVERTISING SIGNS, SECTIONS 114-32 AND 114-33 (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, Cook County Board of Commissioners.

### PROPOSED ORDINANCE AMENDMENT

**BE IT ORDAINED**, by the Board of Commissioners of Cook County that Chapter 114 Signs, Article II Billboard and Off-Premises Outdoor Advertising Signs, Sections 114-32 and 114-33 of the Cook County Code shall be amended as follows:

**BE IT ORDAINED**, by the Board of Commissioners of Cook County that Chapter 114 Signs, Article II Billboard and Off-Premises Outdoor Advertising Signs, Sections 114-32 and 114-33 of the Cook County Code shall be amended as follows:

#### **Sec. 114-32. - Sign permits.**

(a) *Permit requirement.* A sign permit issued by the ~~Bureau of Administration~~ Department of Building and Zoning is required for all new and existing billboards and off-premises outdoor advertising signs as follows:

(1) *New signs.* Applications shall be made for available sign permits to the ~~Bureau of Administration~~ Department of Building and Zoning for its submittal to the Zoning and Building Committee of the County Board.

- (2) *Existing nonconforming signs.* The Commissioner of Building and Zoning is authorized to cause to be removed signs which are in violation of any applicable ordinances and regulations of the County.
- (b) *Permit application procedures.*
  - (1) Applications for available sign permits shall be made to the ~~Bureau of Administration~~ Department of Building and Zoning on forms furnished by the ~~Bureau~~ Department. All applications shall be accompanied by a fee as established by the County Board.
  - (2) Applications shall include information required to assure compliance with regulations set forth in this article and with all other applicable ordinances and regulations of the County.
  - (3) Applicants shall provide a bond, in a form acceptable to the ~~Bureau of Administration~~ Department of Building and Zoning, to ensure that signs will be constructed, maintained and removed in accordance with this article. Bonds shall permit the County to make, or cause to be made, emergency repairs and/or removal of signs.
  - (4) Sign permits shall be issued by the ~~Bureau of Administration~~ Department of Building and Zoning upon satisfaction of all requirements and the approval of the County Board. Any permit may be revoked at any time by the ~~Bureau of Administration~~ Department of Building and Zoning upon a finding that a sign violates any provision of this article, or any other applicable County ordinance or regulation, or when a permittee has made false representations in securing a sign permit.

(c) *Fees.* In addition to the application fee required to obtain a sign permit, an annual fee of \$600.00 shall be required to maintain the permit.

**Sec. 114-33. - General requirements applicable to all signs.**

- (a) Signs shall not be erected so as to prevent free ingress to or egress from any door or window, nor shall signs be erected so as to impair access to the roofs of buildings.
- (b) Signs shall not be attached to trees or utility poles.
- (c) Signs shall not be painted, erected or constructed on the walls or roofs of buildings or structures.
- (d) Signs shall not use strobe lights.
- (e) Signs which are indirectly illuminated shall be illuminated by a steady, stationary, shielded or shaded light source and shall be directed solely at the sign so that the light intensity or brightness does not shine on adjacent properties or create traffic hazards for motorists or pedestrians.

(f) Signs shall be designed and constructed to withstand wind pressure of 30 pounds per square foot, and shall be constructed to receive dead loads as required by the County Building and Environmental Ordinance.

(g) Signs made of metal shall have faces or backgrounds constructed of metal not thinner than No. 28 B&S gauge.

(h) Signs containing glass shall use safety glass.

(i) Signs containing letters and characters shall be legible, cleanly defined and unfaded.

(j) Sign parts and supports shall be painted and maintained to prevent rusting, rotting, illegibility or other deterioration. All broken or missing parts of signs shall be promptly replaced.

(k) Signs which are freestanding shall be designed and engineered by an engineer licensed in the State of Illinois. Stamped drawings shall be submitted to the ~~Bureau of Administration~~ Department of Building and Zoning along with permit applications, which certify that signs comply with all structural regulations in this article and with all other applicable ordinances and regulations of the County.

(l) Signs shall not contain any fluttering, undulating, swinging, rotating, flashing or other moving parts, except:

(1) Signs that give time and temperature information; and

(2) Multiple-message signs with displays that change not more frequently than once every ten seconds.

(m) Signs shall display the name of the permit holder.

(n) Signs for which a permit has expired, which are unsafe, poorly maintained, insecure or which have been maintained, constructed or erected in violation of the provisions of this article, or with other applicable ordinances and regulations of the County may be removed, or caused to be removed by the Commissioner of Building and Zoning.

(o) Signs shall not display specified anatomical areas or specified sexual activity as defined in Appendix A, Zoning.

**Effective Date:** This Proposed Ordinance Amendment shall be in effect immediately upon passage and approval.

**\* Referred to the Zoning and Building Committee on July 17, 2013.**

**Vice Chairman Murphy, seconded by Commissioner Steele, moved the Approval of Communication No. 324284. The motion carried.**

324285

AN AMENDMENT TO COOK COUNTY CODE, CHAPTER 130 WIRELESS TELECOMMUNICATION FACILITIES, SECTIONS 130-3 (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwiinkle, Cook County Board of Commissioners.

PROPOSED ORDINANCE AMENDMENT

**BE IT ORDAINED**, by the Board of Commissioners of Cook County that Chapter 130 Wireless Telecommunication Facilities, Section 130-3 of the Cook County Code shall be amended as follows:

**Sec. 130-3. General Requirements.**

(a) For purposes of this chapter, the following terms will be given the meaning described herein:

- (1) "Antenna" means any exterior apparatus designed for telephonic, radio, data, internet, or television communication through the sending or receiving of electromagnetic waves, and includes related equipment attached to a structure for the purposes of providing such service.
- (2) "Building" is defined in Article 14 of Appendix A, Zoning.
- (3) "Co-location" means the shared use of a structure by more than one wireless telecommunications service provider.
- (4) "Service Provider" means any corporation, company, association, firm, partnership, limited liability corporation, other entity or individual or person which provides wired or wireless telecommunication services licensed by the Federal Communications Commission (FCC).
- (5) "Structure" is defined in Article 14 of Appendix A, Zoning.
  - (i) "Cook County structure" includes any structure, tower, or building owned or operated by Cook County or any of its agents, departments, licensees, or agencies.
  - (ii) "Public utility structure" as used in this chapter means any plant, equipment, or property used or to be used for or in connection with a "public utility" as defined in 220 ILCS 5/3-105, and includes electrical transmission and antenna towers, electrical power structures, and water towers owned by municipalities, townships, special service districts, county or state governments.
- (6) "Wireless telecommunication facility" as used in this chapter shall be given the same meaning as "telecommunications carrier, wireless communication transmitting and receiving facility," which is defined in Article 14 of Appendix A, Zoning, under "telecommunications carrier wireless communication transmitting and receiving facility".



(7) "Wireless telecommunications service" means a two-way voice radio-linked communications service which provides dial interconnection to a public switched network, including but not limited to cellular telephone service and personal communications service."

(8) "Wireless telecommunication tower" means any structure used for installation of telephone transmission equipment and personal communications systems, and includes the monopole to which an antenna is attached. The terms "structure" and "building" as used in this chapter are defined in Article 14 of Appendix A, Zoning. The term "public utility structure" as used in this chapter is defined in 220 ILCS 5/3-105, and includes electrical transmission and antenna towers, electrical power structures, and water towers owned by municipalities, townships, special service districts, county or state governments. "Cook County structure" includes any structure tower or building owned or operated by Cook County or any of its agents, departments, licensees or agencies.

(b) Installation of a wireless antenna on an existing wireless telecommunication facility is a permitted use in all zoning districts.

~~(b)~~ (c) Co-location of a new wireless telecommunication facility antenna on an existing rooftop, public utility structure, or other existing structure, other than a wireless telecommunication facility, shall not exceed 15 feet above the highest point of the existing structure, unless a variance is granted.

~~(e)~~ (d) All nNew wireless telecommunication towers more than 100 feet in height above curb level must be designed and intended for co-location of at least five telecommunications service providers and must be located at least one-half mile away from any existing wireless telecommunication tower facility regardless of height, unless the new wireless telecommunication towers are located on an existing forest preserve structure, Cook County structure, or public utility structure. In addition, all nNew wireless telecommunication towers more than 100 feet in height above curb level must be designed and intended for co-location of at least five telecommunication antennas. New wireless telecommunication towers co-located on an existing forest preserve, a Cook County structure or a co-location on a public utility structure shall be exempt from the one-half mile separation requirement.

~~(d)~~ (e) New wireless telecommunication facilities shall not be installed on a building less than 40 feet in height when located in a residential district unless a variationance is granted. Such variationances shall be limited to installation of microcell and similar technology, and be no less than a reduction on buildings that are at least to 30 feet in height when located in a residential zoning district.

~~(e)~~ (f) New wireless telecommunication facilities shall be set back from the nearest residential lot line a minimum distance equal to the height of the new wireless telecommunication tower except when co-location on an existing public utility structure and unless a variationance is granted. This requirement shall not apply to new wireless telecommunication antennas that are being co-located on an existing public utility structure.

~~(f)~~ (g) New wireless telecommunication towers excluding the lightning rod, shall not exceed 120 feet in height above curb level ~~or if a co-location, extend more than 15 feet above an existing public utility structure,~~ when located in a residence or commercial zoning district unless a variance is granted.

~~(g)~~ (h) New wireless telecommunication towers excluding the lightning rod, shall not exceed 150 feet in height above curb level ~~or if a co-location, extend more than 15 feet above an existing public utility structure,~~ when located in an industrial or public zoning district unless a variance is granted.

~~(h)~~ (i) New wireless telecommunication facilities shall meet or exceed the structural standards for steel antenna towers and supporting structures contained in the current "Electronic Industries Association/Telecommunications Industries Association 222 Revision Standards".

~~(i)~~ (j) New wireless telecommunication facilities proposed for forest preserve property and/or public zoning districts ~~must~~ shall be located on a portion of the site improved and used for on-site maintenance or ~~be~~ co-located on an existing Cook County structure.

**Effective Date:** This Proposed Ordinance Amendment shall be in effect immediately upon passage and approval.

**\* Referred to the Zoning and Building Committee on July 17, 2013.**

**Vice Chairman Murphy, seconded by Commissioner Steele, moved to Defer Communication No. 324285. The motion carried.**

324315 AN AMENDMENT TO COOK COUNTY CODE, APPENDIX A ZONING, ARTICLE 8, GENERAL PROVISIONS, SECTIONS 8.6, ARTICLE 9 PLANNED UNIT DEVELOPMENT, SECTIONS 9.5 THROUGH 9.8, ARTICLE 13, ADMINISTRATION AND ENFORCEMENT, SECTIONS 13.3, 13.4, 13.6, 13.7 AND 13.8, AND ARTICLE 14 RULES AND DEFINITIONS (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, President, Cook County Board of Commissioners.

#### PROPOSED ORDINANCE AMENDMENT

BE IT ORDAINED, by the Board of Commissioners of Cook County that Appendix A, Zoning, Article 8, General Provisions, Section 8.6, Article 9, Planned Unit Development, Sections 9.5 through 9.8, Article 13, Administration and Enforcement, Sections 13.3, 13.4, 13.6, 13.7, and 13.8, and Article 14, Rules and Definitions, of the Cook County Code shall be amended as follows:

#### ARTICLE 8. GENERAL PROVISIONS

8.6. - Structure height.

The following requirements qualify or supplement district regulations in this ordinance:

8.6.1. *District regulations.* The height of any structure shall not exceed 125 percent of the height of the tallest existing structure located within a one-quarter mile radius of the property lines of the subject site. Structures located in R-7, R-8, C-2, C-4, C-7 or C-8 zoning districts shall not be used in the calculation of tallest existing structure. Property zoned R-7, R-8, C-2, C-4, C-7 or C-8 is exempted from this provision. This provision shall not apply if no structure exists within a one-quarter mile radius.

8.6.2. *Public buildings.* A public hospital or institution, a public or parochial school and a public utility or public service building shall not exceed a height of 60 feet, provided the building is set back from the front, rear and side lot lines a ratio of two feet for every ten feet of building height greater than 40 feet. This height requirement shall apply in addition to rear and side yard requirements set forth in this ordinance.

8.6.3. *Building appurtenances.* A chimney, parapet wall, skylight, steeple, flag pole, smokestack, cooling tower, elevator bulkhead, fire tower, monument, water tower, stack, stage tower or scenery loft, tank, ornamental tower or spire, roof garden, recreational facility, mechanical appurtenance or penthouse containing a mechanical appurtenance may exceed the height limits in this ordinance and shall not be included in building height.

8.6.4. *Planned unit developments.* The structures in a planned unit development may exceed the height limits established for the district in which the structures are located in accordance with an approved planned unit development.

8.6.5. *Airports.*

- A. Structures subject to notice under Federal Aviation Regulations shall not be constructed until it is determined by the Federal Aviation Administration that a structure will not be a hazard to aerial navigation. Applications for zoning amendments, special uses, unique uses, variations or planned unit developments which involve property located within two miles of an airport shall be forwarded by the ~~Zoning Administrator or Bureau of Administration~~ Department of Building and Zoning to the Federal Aviation Administration for review and comment. In addition, plans to construct a structure exceeding 160 feet in height, regardless of location, shall be forwarded to the Federal Aviation Administration for review and comment.
- B. Data relating to an applicant's request to construct a structure within two miles of an airport shall be made available to the Federal Aviation Administration by the Department of Building and Zoning or Bureau of ~~Administration~~ Economic Development.

## ARTICLE 9. PLANNED UNIT DEVELOPMENT

### 9.5. - Application for preliminary plan approval.

*9.5.1. Notice of application.* An applicant shall, not less than 15 days nor more than 30 days before filing an application, serve written notice, of intent to apply for a PUD by certified mail with return receipt requested, to property owners within 250 feet of the lot lines of the proposed PUD. The property owners receiving notice shall be those persons or entities whose names appear on the Cook County tax records. For condominium developments that are located within 250 feet of the lot lines of the proposed PUD, only the condominium association shall be served with notice. The number of feet occupied by public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement. Notice need not be sent to owners more than 400 feet from the subject property when public streets, alleys and other public ways are included in the computation. In addition, the applicant shall serve notice to the clerk of each municipality within 1½ miles of the subject property, the superintendent of each local school district serving the PUD, the fire chief of each local fire protection district serving the PUD, the township clerk and the township highway commissioner for the district serving the PUD. Notice shall contain the address of the subject property, a brief statement of the nature of the application, the name and address of the applicant and a statement of the approximate date when the applicant intends to apply. If the property owner on which notice is served cannot be found or the mailed notice is returned, the notice requirements of this provision shall be deemed satisfied provided the applicant made a bonafide effort to determine the owner's address.

*9.5.2. Application and supporting documents.*

- A. An applications for a PUD shall be submitted to the Department of Building and Zoning~~Bureau of Administration~~ in such form and accompanied by such information as required by the Department of Building and Zoning. The applicant shall file one original ~~and 15 copies of the~~ application and all supporting documents. The applicant shall ~~attest~~disclose, and the ~~Bureau of Administration~~Department of Building and Zoning shall independently verify, ~~that~~ ~~now~~whether a judicial proceeding for a violation of any Cook County ordinance is pending pertaining to the subject property.
- B. Applicants shall ~~furnish~~file with to the Bureau of AdministrationDepartment of Building and Zoning a sworn affidavit containing a complete list of the names and last known addresses of the persons served with notices pursuant to Section 9.5.1. ~~Applicants shall also furnish a written statement to the Bureau of Administration certifying compliance with the notice requirements of this ordinance.~~
- C. ~~Applications which fail to comply with this section shall be returned by the Bureau of Administration to applicant. The Bureau of Administration shall retain one copy of the application and supporting documents.~~
- ~~D.~~ Applications shall be accompanied by the following documentation:
  - 1. Statement describing the character of the PUD and the manner in which it has been designed to take advantage of the flexibility of PUD regulations and the benefits that will accrue to the public as a result of the PUD.
  - 2. Statement of planning objectives to be achieved by the PUD.
  - 3. Statement of present and proposed ownership of all land within the proposed PUD, with supporting documentation, and an affidavit certifying that there are no delinquent taxes on the whole or any part of the property.

4. Development schedule indicating stages in which the proposed PUD will be built and approximate dates for beginning and completion of each construction stage.
5. Proposed agreements, provisions or covenants which will govern the use, maintenance, operation and improvement of the proposed PUD and any of its common open space.
6. Statement indicating the density of uses including total number of dwelling units per acre, number of units by type, number of buildings by type and number of bedrooms in each building and dwelling unit type.
7. Statement detailing the type and amount of nonresidential uses including the total amount of common open space and net amount (open space which is not located in required yards or storm water management areas) of open space.
8. Statement identifying the type and location of service facilities and off-street parking facilities, including total number of parking spaces and parking spaces per sub-area.
9. Architectural plans for all primary buildings which reveal the style of the development and the building design, floor area of building types and total ground coverage of buildings.
10. Landscape plan prepared by a registered landscape architect depicting trees, plant materials, grading, excavating, berming and aesthetic features.
11. School impact study estimating the number of additional students and the financial burden the proposed PUD will have on local school districts.
12. Appraisal report prepared by an MAI appraiser demonstrating the value of the property as zoned and the value as zoned with the proposed PUD.
13. Tax impact study estimating the tax revenue to be generated by the proposed PUD and the estimated cost to various taxing bodies of providing necessary services to the PUD.
14. Traffic analysis demonstrating the adequacy of the local transportation system to handle anticipated traffic volumes generated by the proposed PUD and an analysis of the adequacy of the PUD's internal vehicular circulation system.
15. Economic feasibility study of the proposed PUD showing the need and feasibility of the proposed development.
16. Sediment and erosion control plan.
17. Report indicating the subsurface conditions on the proposed PUD land, including location and result of tests made to ascertain subsurface soil, rock and ground water conditions, depth to ground water and location and results of soil percolation tests if individual sewage disposal systems are proposed.
18. Schedule for phased development of the proposed PUD if the PUD is not intended to be established within one year. Upon approval, the development plan or schedule shall be considered as a limitation and condition on the PUD.
19. Preliminary lighting plan.
20. Survey prepared by a registered landscape architect or arborist of all trees over six inches in diameter, as measured six inches above the established grade, indicating location, species and quality.
21. Report indicating the existing and proposed pedestrian circulation system, including bicycle paths.
22. Site plan to scale depicting the following information:
  - a. Boundary lines of adjoining property within 1,000 feet of the subject property identifying parcels by PIN number, existing land use, existing

zoning classification and comprehensive plan recommendation.

- b. Location, width and purpose of easements.
- c. Streets on and adjacent to the proposed PUD including street names, right-of-way widths, parking areas, existing or proposed centerline elevations, pavement types, sidewalks, curbs, gutters, culverts, paths and bike trails.
- d. Utilities on and adjacent to the proposed PUD including location, size and invert elevation of sanitary, storm and combined sewers, location and size of water mains and location of gas lines, fire hydrants, electric and telephone lines and street lights.
- e. Ground elevations on the proposed PUD at one-foot contours with spot elevations at all breaks in grades, along all drainage channels or swales and at points of special significance.
- f. Water courses, floodplains, floodways, wetlands, marshes, rock outcrops, wooded areas, trees six inches or more in diameter, houses, accessory buildings and other significant features.
- g. Direction and gradient of ground slope of land within 1,000 feet of the proposed PUD including embankments or retaining walls, character and location of major buildings, railroads, power lines, towers, and other nonresidential land uses or adverse influences, platted lands with percentage of buildup, lot sizes and dwelling types.
- h. Proposed public improvements within 1,000 feet of the proposed PUD including highways and other major improvements planned by public authorities for future construction on or near the tract.
- i. Open space and recreational areas and facilities for public use or reserved for the use of all property owners.
- j. Location, purpose and height of all buildings and structures.
- k. Name of development, site planner, north point, scale, acreage of site and date of preparation.
- l. Additional information as may be required by Cook County.

D. Applications shall be accompanied by proposed findings of fact addressing each of the standards in Section 9.5.10. (A).

E. Applications which fail to comply with this section shall be returned by the Zoning Administrator to applicant, and the accompanying application fee will be reimbursed. The Zoning Administrator may retain one copy of the application and supporting documents.

~~9.5.3. *Certification.* The Bureau of Administration shall certify that the application for preliminary plan approval is complete and that all required documentation has been submitted in full prior to scheduling a public hearing on the application.~~

~~9.5.4. *Fee.* The application shall be accompanied by a fee as established by the Cook County Board of Commissioners in order to be deemed complete.~~

~~9.5.4. *Verification.* The Department of Building and Zoning shall verify that the application for preliminary plan approval is complete and that all required documentation has been submitted prior to forwarding the application.~~

9.5.5. Disclosure. Applicants shall make the following disclosures by sworn affidavit, filed at the time of the application.

*A. Property.*

1. Applicants of property held in a land trust shall disclose the identity of each beneficiary of the trust including the name, address and percentage of interest of each beneficiary. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
2. Applicants of property owned by a partnership or association of two or more persons holding a common interest, shall disclose the name and address of each partner or associate. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
3. Applicants property owned by a corporation, shall disclose the name, address and percentage of ownership interest of shareholders owning five percent or more of the corporation. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~

*B. Applicant.*

1. Applicants acting as agents or nominees shall disclose their agency relationship and the name and address of the principals, and their interest in the subject property. If the principals are not individuals, the identity of the principals shall be disclosed in accordance with paragraph 2 below. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
2. Applicants who are a partnership or association of two or more persons holding a common interest shall disclose the name, address and percentage of ownership interest of each partner or associate having more than a five-percent interest shall be disclosed. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
3. Applicants who are corporations shall disclose the name, address and percentage of ownership interest of shareholders owning five percent or more of the corporation. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~

~~9.5.6. Setting hearing date. Zoning Committee of Cook County Board of Commissioners. An application for a PUD shall be transmitted by the Bureau of Administration to the Zoning Committee of the Cook County Board of Commissioners for its referral back to the Bureau of Administration for processing. The Bureau of Administration Department of Building and Zoning shall forward a copy of the complete application and supporting documentation to the Zoning Board of Appeals which shall thereafter set a date for public hearing. The date for public hearing shall be set to permit sufficient time for review required in Section 9.5.7.~~

9.5.7. Processing applications. Upon receipt of a complete application for preliminary plan approval, and at least 15 days before a scheduled hearing date, The Bureau of Administration Department of Building and Zoning, upon receipt of an application for preliminary plan approval from the Zoning Committee of the Cook County Board of Commissioners, shall forward a copy of the application, including the applicant's proposed findings of fact and all supporting documentation, to the Cook County Commissioner in

whose district the property is located, and shall notify the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Highways, the Cook County Forest Preserve, the Cook County Department of Public Health and the Cook County Department of Environmental Control that a complete application, including the applicant's proposed findings of fact and all supporting documentation has been submitted and is ready for review. In addition, the Bureau of Administration shall provide notice of the availability of the application and supporting documents, for inspection and copying to the superintendents of local school districts, the fire chiefs of local fire protection districts, township highway commissioners, township clerks and municipalities within 1½ miles of the proposed PUD. The application and supporting documentation shall be forwarded to Cook County departments at least 60 days before a scheduled hearing date. Each reviewing department shall submit recommendations and comments to the Bureau of Administration at least 307 days before the scheduled hearing date.

~~Cook County~~ Each reviewing departments shall examine the application and supporting documentation based upon the following, as well as similar criteria:

A. Department of Planning and Development.

1. Economic impact.
2. Community need.
3. Trend of development.
4. Demographics.
5. Property values.
6. Landscape plan.

B. Department of Building and Zoning.

1. Site plan review.
2. Land use and permit review of properties in the vicinity of the proposed use.
3. Lot size.
4. Subdivision regulations.

C. Department of Highways.

1. Wetland mitigation and compensation.
2. Floodway and floodplain capacity and storage.
3. Drainage and detention requirements.
4. Roads, bridges, culverts, driveways, sidewalks, ingress, egress and access control.
5. Subdivision regulations.
6. Drainage, utilities, road easements and dedications.
7. Criteria from other regulatory agencies such as the Metropolitan Water Reclamation District, Illinois Department of Transportation, Illinois Department of Natural Resources, United States Army Corps of Engineers, local fire protection agencies, and townships.
8. Erosion and sediment control requirements.



## D. Forest Preserve District.

1. Compatibility of the proposed use with Forest Preserve holdings.
2. Impact on value of Forest Preserve holdings.
3. Future Forest Preserve acquisitions.

## E. Department of Public Health.

1. Lot sizes for private septic systems and wells.
2. Subdivision regulations.
3. Swimming pools.
4. Public or community well and septic or sewage systems.
5. Health and safety concerns.

## F. Department of Environmental Control.

1. Noise and odor regulations.
2. Soil geology and composition.
3. Wetland mitigation and compensation.
4. Discharges of effluent and particulate into the air, land and water.
5. Criteria from other regulatory agencies such as the Metropolitan Water Reclamation District, Illinois Environmental Protection Agency, Illinois Department of Natural Resources, United States Army Corps of Engineers and United States Environmental Protection Agency.

~~At least ten days prior to the scheduled hearing on the application, the Bureau of Administration shall prepare a report for the Cook County Board of Commissioners and the Cook County Zoning Board of Appeals detailing its findings and recommendations. The report shall address all technical aspects of the data and plans submitted and indicate whether the plan satisfies each of the PUD standards enumerated in this ordinance. The Cook County Department's' recommendations and comments, as well as the Bureau of Administration's report, shall be available to the applicant or its representative, upon request, for review and/or reproduction prior to the hearing date. The Bureau of Administration may, in its discretion, retain expert consultants as it deems necessary. The applicant shall reimburse Cook County for all fees and costs associated with expert consultants prior to consideration of the application by the Cook County Board of Commissioners.~~

*9.5.8. Notice of public hearing.*

- A. Time and place of a public hearing shall be published in a newspaper of general circulation in Cook County not less than 15 days before the hearing. In addition, at least 15 days before the hearing, notice of the hearing shall be posted on the property for which an application for preliminary plan approval has been filed in such a way as to be plainly visible from the street or right-of-way passing the frontage of the property. Notice posted on the property shall be maintained until the date of hearing on a weatherproof sign that is at least three feet by four feet in size. The sign shall have a white background and contain the word "NOTICE" in

red capital letters at least six inches high. The remaining lettering shall be in black capital letters a minimum of three inches in height. Notice shall contain at least the following language: "This property is the subject of a special use hearing for a PUD before the Cook County Zoning Board of Appeals on (date) at (time) at (location)."

- B. Written notice shall be served by regular mail and also by certified mail, with return receipt requested, at least 15 days before the hearing, by the Zoning Board of Appeals to the clerk of each municipality within 1½ miles of the property for which the PUD application has been filed. Notice shall also be sent, in the same manner, to the clerk of the township, the superintendent of each school district and the fire chief of the local fire protection district in which the property is located. The applicant shall serve written notice, by certified mail with return receipt requested, to property owners within 250 feet of the lot lines of the proposed PUD, whose names appear on the Cook County tax records, as to the date, time and location of the public hearing. For condominium developments that are located within 250 feet of the lot lines of the proposed PUD, only the condominium association shall be served with notice. The notices shall contain the same information as the posted notice and shall also contain the legal description of the property, the common address of the property, the name of the applicant, the applicant's representative and a brief description of the requested PUD. In addition, notice of all hearings shall be sent to each civic or property owners' organization requesting notice of hearings on special uses. Failure to notify a civic or property owners' organization, however, shall not invalidate the hearing. Supplemental or additional notices shall be published or distributed as prescribed by Zoning Board of Appeals' rules. All required notices shall be provided at the expense of the applicant. Applicant shall submit proof of mailing for all required notices. Applicants shall also file a sworn affidavit with the Department of Building and Zoning certifying compliance with the notice requirements of this section.
- C. Except as indicated in subsection B, the aApplicants shall be responsible for the preparation of both posted and mailed notices and shall be solely responsible for adequacy and accuracy of the information. The applicant shall also be responsible for placing and maintaining posted notice and for mailing and maintaining records of written notices. The Secretary of the Zoning Board of Appeals shall be responsible for assuring that notice by newspaper publication, at the expense of the applicant, is given.

9.5.9. *Hearing.* The Zoning Board of Appeals shall hold at least one a public hearing for a proposed PUD in the township in which the property is located. At the hearing, the Zoning Board of Appeals shall make the report from the Bureau of Administration a part of the record. The hearing shall be conducted in accordance with Article 13 of this ordinance and the Zoning Board of Appeals' rules. An authorized representative of any Cook County department that provided comments on the application and/or the Bureau of Administration shall testify at the hearing if requested by the Zoning Board of Appeals. The hearing shall take place at the Cook County Administration Building unless the Secretary of the Zoning Board of Appeals determines that the County Building has more adequate facilities for such hearing. A record of proceedings, examinations, and other official actions shall be preserved in the manner prescribed by Zoning Board of Appeals'

rules. If there is a judicial proceeding for a violation of any Cook County ordinance involving the subject property, the applicant shall not be entitled to seek, nor shall the Zoning Board of Appeals grant, more than one continuance. The hearing shall be transcribed by a court reporter of the applicant's choosing. Failure of the applicant to provide a transcript of the hearing(s) within 30 days following the hearing shall void the application. The deadline to submit a transcript may be extended by the Zoning Board of Appeals once, for a maximum of 30 additional days.

*9.5.10. Standards and findings of fact and recommendation of the Zoning Board of Appeals.*

A. Applicants for PUD approval shall satisfy the following standards:

1. PUD conforms with the planning objectives, policies and maps of the County as specified in the Cook County Comprehensive Land Use and Policies Plan.
2. PUD is of a type and character and contains uses that are needed in the area.
3. PUD is designed and laid out to preserve environmentally sensitive areas, natural resources, habitat and topographic features to the fullest extent possible.
4. PUD is designed in conformity with the provisions of the Cook County Subdivision Manual or any successor subdivision document.
5. PUD is designed to provide horizontal spacing between buildings which takes into consideration the purpose and objectives of this article.
6. PUD complies with the industrial performance standards enumerated in Article 6 of this ordinance if the PUD contains industrial uses.
7. PUD complies with the parking requirements enumerated in Article 11 of this ordinance.
8. PUD provides appropriate yards, setbacks and buffers between the PUD and adjacent zoning lots. The applicant shall specifically request, in writing, any ~~variation~~variance from the required setbacks.
9. PUD has adequate utilities, access roads, drainage and other necessary facilities.
10. PUD has ingress and egress designed to minimize traffic congestion in public streets.
11. PUD and its maintenance and operation will not be detrimental to or endanger public health, safety or general welfare.
12. PUD and its maintenance and operation will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted, nor diminish and impair property values within the surrounding area.
13. PUD and its maintenance and operation will not impede the normal and orderly development and improvement of surrounding property.
14. PUD shall provide more open space than would be required in a standard subdivision.
15. PUD shall be designed to connect to existing or planned pedestrian and bicycle systems in the vicinity.

B. Applicants shall, within 30 days after the public hearing, prepare and submit to the Zoning Board of Appeals one original and 15 copies of proposed findings of fact addressing each of the above standards. The applicant may seek, and the Zoning

~~Board of Appeals may grant for good cause shown, one 30-day extension of time for the applicant to submit findings of fact. The Zoning Board of Appeals shall, within seven days of receiving the applicant's proposed findings of fact, forward the proposed findings of fact to the Cook County Commissioner in whose district the property is located, the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Highways, the Cook County Forest Preserve District, the Cook County Health Department, the Cook County Department of Environmental Control, municipalities located within 1½ miles of the subject property and local school and fire protection districts. Any interested party, upon written request to the Zoning Board of Appeals, may review the applicant's proposed findings of fact. County departments, municipalities and other interested persons shall have 30 days from receiving the applicant's proposed findings of fact to file a written response with the Zoning Board of Appeals.~~

- ~~C. Recommendations and comments of the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Highways, Cook County Forest Preserve District, the Cook County Health Department, the Cook County Department of Environmental Control, municipalities located within 1½ miles of the subject property and local school and fire protection districts shall be considered and addressed in writing by the Zoning Board of Appeals in its findings and recommendations. The Secretary of the Zoning Board of Appeals shall forward the findings of fact and recommendations to be forwarded to the Cook County Board of Commissioners.~~
- D. ~~Written findings of fact and recommendations to approve or deny the application shall be made by the Zoning Board of Appeals within 6090 days after receipt of the applicant's proposed findings of fact on the PUDthe hearing and shall be submitted to the Cook County Board of Commissioners. Recommendations and comments of the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Highways, Cook County Forest Preserve District, the Cook County Health Department, the Cook County Department of Environmental Control, municipalities located within 1½ miles of the subject property and local school and fire protection districts shall be considered and addressed in writing by the Zoning Board of Appeals in its findings and recommendations. The findings and recommendations shall include a statement indicating the extent to which the proposed PUD departs from zoning, subdivision and other regulations applicable to the property and the reasons why a departure is or is not in the public interest. The 6090-day period may be extended by the Zoning Board of Appeals once, for no more than a maximum of 930 additional days if the Zoning Board of Appeals granted an extension pursuant to this article. Failure of the applicant to provide a transcript of the hearing(s) within 60 days following the hearing shall void the application.~~
- E. Recommendation for approval of the preliminary PUD plan shall not be made by the Zoning Board of Appeals unless it makes written findings of fact that the proposed use satisfies each of the PUD standards and is in the best interest of the public. ~~In all cases the Zoning Board of Appeals' recommendations to the Cook County Board of Commissioners are advisory only.~~

- F. The Zoning Board of Appeals may recommend; the imposition of conditions and restrictions upon preliminary plan approval; variance~~departure~~ from the general provisions, regulations and standards of this article; and/or variance~~departure~~ from any of the applicable district regulations when it deems a departure is in the public interest. In all cases, the Zoning Board of Appeals' recommendations to the Cook County Board of Commissioners are advisory only.

*9.5.11. Action by the Cook County Board of Commissioners.*

- A. The Cook County Board of Commissioners may approve or deny, by motion, an application for preliminary plan approval. Failure of the Cook County Board of Commissioners to take action within 60 days of receiving the Zoning Board of Appeals' findings and recommendations shall operate as a denial of an application for preliminary plan approval. The 60-day period may be extended if a request for an extension is made by the applicant or by a Cook County Board Commissioner and is granted by the Board of Commissioners.
- B. The Cook County Board of Commissioners has the authority to: impose conditions and restrictions upon preliminary plan approval; depart from the general provisions, regulations and standards of this article; and/or depart from any of~~depart from strict conformance with the requirements and standards enumerated in this article; vary the applicable district regulations; and impose conditions and restrictions upon the PUD application~~ when it deems a departure is in the public interest.
- C. Applications for preliminary plan approval shall be approved by a favorable vote of three-quarters of all members of the Cook County Board of Commissioners in cases where the Zoning Board of Appeals has not recommended adoption at a proposed PUD or when a written protest against the proposed PUD has been received in accordance with Article 13.
- D. Approval of the preliminary plan and satisfaction of any conditions and restrictions imposed by the Cook County Board of Commissioners shall be conditions precedent to submission of an application for PUD ordinance.

**9.6. - Final Plan Approval.**

*9.6.1. Application and supporting documents.* The applicant shall, within one year from the date of preliminary plan approval, submit an application for PUD ordinance to the ~~Bureau of Administration~~ Department of Building and Zoning. The applicant shall submit one original ~~and 15 copies of the~~ application and the following supporting documents:

- A. Final PUD plat, suitable for recording with the Cook County Recorder of Deeds, which includes the following information:
1. Designation of lots and the division of all other property, including common open areas and building sites. If property within a final plat is to be subdivided, a subdivision plat is also required.
  2. Final site plans including legal description of all lots and each separate,

- unsubdivided area, including common open space, within the PUD.
3. Exact location of all buildings, structures, streets, drives, parking lots, sidewalks, drainage and utility easements, detention easements and conservation easements, landscaping and other proposed site improvements.
  4. Final architectural plans setting forth the type and style of construction and materials to be used in proposed buildings, including the height and area of each building.
  5. Certificates, seals and signatures necessary for dedicating property and recording the final plat.
  6. Tabulation of separate unsubdivided use area, land area, number of buildings, number of dwelling units and dwelling units per acre.
  7. Final landscape architectural plans and specifications.
  8. Final lighting plans and specifications.
  9. Signage plans.
- B. Common open space documents which verify that common open space will be permanently preserved and streets, walkways and common spaces will be maintained and repaired in perpetuity. Common open space shall be either conveyed to a municipal or public corporation, to a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents or retained by the applicant with legally binding guarantees providing for perpetual maintenance, operation, improvements and repairs. All property conveyed to a not-for-profit corporation, or like entity, shall be subject to the right of the corporation or entity to impose a legally enforceable lien on all property within the PUD for maintenance and improvement of the common open space.
- C. Final construction engineering plans, signed and sealed by an Illinois licensed professional engineer, for public facilities and improvements approved by the Cook County Highway Department. Public facilities and improvements shall be constructed upon approval of the PUD ordinance and a construction performance bond shall be posted to guarantee construction of required infrastructure. The performance bond shall be payable to Cook County and be sufficient to cover the full cost of the facilities and improvements plus 15 percent.
- D. Detailed plans signed and sealed by an Illinois licensed professional engineer for the construction and installation of site amenities, including buildings, lakes and other site improvements.
- E. Final construction schedule which shall include the projected completion date of the entire project and completion dates of any intermediate phases of the development.
- F. Statement indicating current ownership of the property and information regarding intent to sell all or portions of the development.
- G. Detailed plans depicting the size and location of dedicated parkland and school sites or the amount of any cash contribution to the local park and school district.

H. Proof from the Cook County Clerk's Office in the [event] that no delinquent taxes exist on any portion of the property.

I. Final agreements, provisions or covenants which will govern the perpetual maintenance, operation and improvements of the PUD. These documents shall be recorded at the same time as the final PUD plat.

9.6.2. *Fee.* An application for PUD ordinance shall be accompanied by a fee established by the Cook County Board of Commissioners.

9.6.3. *Department reviews.* The ~~Bureau of Administration~~ Zoning Board of Appeals shall forward one copy of the application for PUD ordinance, plat and supporting documents to the Cook County Commissioner in whose district the property is located, the Cook County Department of Planning and Development, the Cook County Zoning Board of Appeals, the Cook County Department of Highways, the Forest Preserve District, the Cook County Department of Public Health, the Cook County Department of Environmental Control and the Cook County Plat Officer for certification that the PUD, plat and supporting documents are in substantial conformance with the approved preliminary plan and other sections of this ordinance. The departments shall have ~~307~~ days from receipt of the application for PUD ordinance to furnish the ~~Bureau of Administration~~ Zoning Board of Appeals with their ~~written~~ comments. Upon receipt of the comments from the departments, the ~~Bureau of Administration~~ Zoning Board of Appeals shall make them available to the applicant or its representative upon request, and allow the applicant or its representative to submit a response within 15 days. The Zoning Board of Appeals shall ~~within 30 days,~~ certify whether the application for final plan approval and supporting documents are in substantial compliance with the approved preliminary plans and shall provide a recommendation to approve or deny the application to the Zoning Committee of the Cook County Board of Commissioners within 30 days after receiving the comments from the departments. ~~The applicant or its representative may, within the same 30-day period, review the various Cook County department comments and submit a response to the Bureau of Administration.~~

9.6.4. *Preparation of ordinance.* The ~~Bureau of Administration~~ Zoning Board of Appeals shall, when all conditions and procedures have been satisfied, prepare the PUD ordinance which shall address the standards of this article and any conditions imposed on the PUD. If a map amendment is recommended in connection with the PUD, the ~~Bureau of Administration~~ Zoning Board of Appeals shall include a separate section in the PUD ordinance which shall address the map amendment standards contained in Article 13 and any conditions to be imposed on the map amendment. The ~~Bureau of Administration~~ Zoning Board of Appeals shall forward the proposed PUD ordinance to the Zoning Committee of the Cook County Board of Commissioners.

9.6.5. *Action by the Cook County Board of Commissioners.* The Cook County Board of Commissioners may approve or deny the proposed PUD ordinance. ~~The failure of the Cook County Board to take action within 60 days of receiving the proposed ordinance from the Bureau of Administration~~ Zoning Board of Appeals shall operate as a denial. The 60-day period may be extended if a request for an extension is made by the applicant or a Cook County Board Commissioner and is granted by the Board of Commissioners. A

favorable vote of three-quarters of all members of the Cook County Board of Commissioners shall be required when a written protest to the application for preliminary plan was filed pursuant to Article 13.

*9.6.6. Conditions and restrictions.* The Cook County Board of Commissioners may, by ordinance, impose conditions and restrictions on a PUD to assure compliance with the standards and requirements of this ordinance. In addition, the Cook County Board may require evidence and guarantees to ensure that the applicant complies with the conditions of the PUD. Failure of the applicant to comply with conditions or restrictions shall constitute a violation of this ordinance.

*9.6.7. Recordation.* The applicant, upon adoption of a PUD ordinance, shall record the PUD plat, common open space documents, dedications, agreements, provisions or covenants with the Cook County Recorder of Deeds. Recording the PUD plat and supporting documents shall constitute notice of the restrictions placed upon the property and act as a zoning control device.

*9.6.8. Building permits.* The Department of Building and Zoning may not issue building permits until the PUD plat and supporting documents have been recorded with the County Recorder of Deeds. The applicant shall present proof of recording to the Cook County Department of Building and Zoning. Construction authorized by a building permit shall be in full conformance with the recorded PUD plat. Failure of the applicant to develop and construct the PUD according to the PUD ordinance shall constitute a violation of the zoning ordinance.

9.7. - Changes in an approved PUD.

A change to an approved PUD shall be made as follows:

*9.7.1. Major and minor changes.*

- A. Changes to the PUD which alter the concept, intent, standards or conditions of the PUD established by the preliminary plan, and/or the PUD ordinance, shall be construed by the Zoning Board of Appeals as a major modification necessitating reconsideration of the PUD. Where a major modification is sought, the applicant shall make application to the ~~Bureau of Administration~~ Department of Building and Zoning for an amendment to the preliminary plan and/or PUD ordinance. The application shall be processed in accordance with the procedures established for review and approval of the preliminary plan. The documentation required to be submitted by the applicant shall be sufficient to provide for review of the proposed amendment. The ~~Bureau of Administration~~ Department of Building and Zoning shall be authorized to determine the sufficiency of the documentation submitted in support of the proposed amendment and to require such additional documentation deemed necessary to review the application for amendment. The amendment to the preliminary plan and/or PUD ordinance shall otherwise be processed as an original application subject to all notices, reviews, hearings and approvals required by this article.



1. A major change to an approved PUD is a change to the approved site plan and supporting maps and materials that ~~alters~~results in any of the following elements:
    - a. An increase in density for any phase of the development or for the entire development;
    - b. An increase in the approved floor area ratio;
    - c. A reduction in the approved landscape material in quantity or in size of material;
    - d. An increase in building height;
    - e. A change in the type of dwelling unit;
    - f. A reduction in the amount of open space or a change in the location of the open space; or
    - g. Any change in the approved site plan which results in moving a building more than 20 feet.
  2. All other changes shall be construed as minor changes and shall be reviewed and approved by the ~~Bureau of Administration~~ Department of Building and Zoning.
- B. The Zoning Board of Appeals shall make a recommendation to the Zoning and Building Committee of the County Board regarding whether a plan with a major change shall be approved or denied, with final approval by the Board of Commissioners.
- C. Changes to the approved phasing schedule:
1. In the event the petitioner/developer anticipates a time delay in meeting the completion date for any or all of the phases of the planned unit development, the applicant may file a written request to the Chairman of the Committee on Zoning and Building of the Cook County Board of Commissioners at least 20 days prior to the expiration of said completion date.
  2. The Zoning and Building Committee will review and may recommend to the President and Board of Commissioners an extension of said completion date for any length of time as deemed justifiable by the President and Board of Commissioners.
  3. Should an approved PUD fail to meet any portion of its improvement/phasing schedule, the ~~Bureau of Administration~~ Department of Building and Zoning shall review the circumstances and recommend one of the following actions to the Committee on Zoning and Building of the Cook County Board of Commissioners, with final approval by the Board of Commissioners:
    - a. ~~That the~~The use for the entire area be continued with a revised time schedule;
    - b. ~~That the~~The PUD be revoked and the property be appropriately rezoned; or
    - c. ~~That a~~A new public hearing by the Zoning Board of Appeals be scheduled on the PUD in accordance with the procedures for preliminary PUD approval.

### 9.8. - Reversion and extension.

*9.8.1. Reversion.* For purposes of this section, issuance of a building permit for any phase of development shall establish the PUD. The applicant's failure to apply for a building permit within one year of adoption of the PUD ordinance shall, without further action, cause the PUD ordinance to be null and void. With respect to a map amendment approved in conjunction with a PUD ordinance, the applicant's failure to apply for a building permit within one year of adoption of the PUD ordinance shall, without further action, cause the the map amendment ~~shall to~~ be null and void and the property ~~shall to~~ revert to its zoning classification immediately prior to the PUD application.

*9.8.2. Extension.* The applicant may apply for an extension of the one-year application period prescribed in Sections 9.6.1 and 9.8.1. The applicant is limited to one 12-month extension under each section. An application for extension shall be filed with the ~~Bureau of Administration~~ Department of Building and Zoning before the expiration of the applicable time period and shall be accompanied by a fee established by the Cook County Board of Commissioners. The ~~Bureau of Administration~~ Department of Building and Zoning may recommend, and the Cook County Board of Commissioners may approve, the application for an extension for good cause shown. Failure to apply for an extension in the time prescribed shall render the application null and void.

## ARTICLE 13. ADMINISTRATION AND ENFORCEMENT

### 13.3. - Zoning Board of Appeals.

*13.3.1. Membership.* The Zoning Board of Appeals shall be composed of seven members: five voting members who shall be appointed by the President of the Cook County Board of Commissioners with the advice and consent of the Cook County Board of Commissioners; and two ex-officio, nonvoting members, consisting of the Chairman of the ~~Building and Zoning and Building~~ Committee of the Cook County Board of Commissioners and the ~~Chief Administrative Officer~~ Chief of the Bureau of Economic Development of Cook County. Ex-officio members may be represented by a designee at any hearing or meeting of the Zoning Board of Appeals. As of June 1, 2013, voting members shall receive compensation of \$500.00 per official meeting of the Zoning Board of Appeals where the member participates in person or by viewing a record of proceeding where action is required not to exceed \$12,000.00, with no other fringe or pension benefits, and an allowance for expenses as provided by the Cook County Board of Commissioners in its annual appropriation Ordinance. The Zoning Board of Appeals shall report the number of official meetings it has conducted on a quarterly basis to the Cook County Board of Commissioners. Members of the Zoning Board of Appeals serving at the time of adoption of this ordinance shall serve for the remaining term of their appointments, or until their respective successors are appointed. All new and renewed terms of office for Zoning Board of Appeals members shall be for five years.

One of the members of the Zoning Board of Appeals shall be designated by the President of the Cook County Board of Commissioners with the advice and consent of the Cook County Board of Commissioners as Chairman of the Zoning Board of Appeals, and shall hold office until a successor is appointed. The President of the Cook County Board of

Commissioners with the advice and consent of the Cook County Board of Commissioners shall have the power to remove for cause any member of the Zoning Board of Appeals. Vacancies on the Zoning Board of Appeals shall be filled by appointment of the President of the Cook County Board of Commissioners with the advice and consent of the Cook County Board of Commissioners for the unexpired term of the member whose position has become vacant.

*13.3.2. Jurisdiction.* The Zoning Board of Appeals is vested with the following jurisdiction and authority:

- A. Hear and decide appeals from any order, requirement, decision or determination made by the Department of Building and Zoning under this ordinance.
- B. Hear and make recommendations to the Cook County Board of Commissioners on applications for authorized variations, on variations from any quantitative requirement of this ordinance, and for all applications referred by the Department of Building and Zoning or the Cook County Board of Commissioners.
- C. Hear applications for special uses, planned unit developments, map amendments and unique uses as set forth in this ordinance. The Zoning Board of Appeals shall report its findings and recommendations to the Cook County Board of Commissioners.
- D. Conduct hearings at the request of the Cook County Board of Commissioners for map amendments to this ordinance and make recommendations to the Board of Commissioners.
- E. Conduct hearings at the request of the Cook County Board of Commissioners for text amendments to this ordinance and make recommendations to the Board of Commissioners.
- F. Conduct hearings at the request of the Cook County Board of Commissioners for amendments to the Cook County Comprehensive Land Use and Policies Plan and make recommendations to the Board of Commissioners.
- G. Initiate, direct and review studies of this ordinance and make recommendations to the Zoning and Building Committee of the Cook County Board of Commissioners.
- H. Hear and decide matters as set forth in this ordinance and matters referred to it by the Cook County Board of Commissioners.
- I. Duties as the Cook County Board of Commissioners shall by ordinance, resolution or direction provide.

*13.3.3. Meetings and rules.* The meetings of the Zoning Board of Appeals shall be held at the call of the Chairman at such times as the Zoning Board of Appeals may determine. Hearings conducted by the Zoning Board of Appeals shall be considered public meetings under the Illinois Open Meetings Act and shall be held in conformance with the Illinois

Open Meetings Act. Ex-officio members, or their designees, may fully participate in meetings, but shall not vote on any matters before the Zoning Board of Appeals. For purposes of conducting a public meeting, a quorum of four members shall be present in person at the meeting, and two of the four members present may be ex-officio members or their designees. For purposes of conducting a vote at a public meeting, three voting members must be present in person at the meeting. Any person may appear and testify at a hearing. The Chairman or Acting Chairman may administer oaths and subpoena witnesses. The Zoning Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon each question. If any voting member is absent or fails to vote, that shall be reflected in the minutes. Zoning Board of Appeals voting members may not vote by proxy. Records shall be kept of all hearings and other official actions of the Zoning Board of Appeals. Applications, exhibits and all documents filed by applicants, as well as transcripts of hearings if provided, meetings, testimony and deliberations, shall constitute the record of the Zoning Board of Appeals. The Secretary of the Zoning Board of Appeals shall be the keeper of the records. The Zoning Board of Appeals shall adopt its own rules and procedures, not in conflict with this ordinance or with applicable State of Illinois Statutes, and may select or appoint such officers as it deems necessary. A copy of every rule, regulation, amendment, order, requirement, decision or determination of the Zoning Board of Appeals shall be filed immediately with the Department of Building and Zoning and shall be a public record.

*13.3.4. Decisions.* The decisions and findings of the Zoning Board of Appeals, except as provided in 13.3.5, shall be final administrative decisions and shall be subject to review as provided by law.

*13.3.5. Appeals from decisions of the Zoning Administrator.*

The Zoning Board of Appeals shall hear and decide appeals from an administrative order, requirement or determination of the Department of Building and Zoning under this ordinance.

An appeal may be taken to the Zoning Board of Appeals by any person or entity or by any officer, department, board or bureau aggrieved by a decision of the Department of Building and Zoning under this ordinance. An appeal shall be taken within 35 days after the date of the Department of Building and Zoning's decision by filing with the Zoning Administrator and the Zoning Board of Appeals a notice of appeal specifying the grounds for the appeal. Notice of appeal shall be given to all persons or entities entitled to receive notice as provided by Section 13.7.3.

The Zoning Board of Appeals shall select a reasonable time and place for hearing an appeal and give notice to the aggrieved person or entity and the Department of Building and Zoning. The hearing shall take place within 30 days after the Zoning Board of Appeals receives notice of appeal.

The Zoning Board of Appeals shall render a written decision on the appeal within 30 days after the hearing. The Zoning Board of Appeals shall forward its decision to all parties of record. The Zoning Board of Appeals may affirm, reverse, wholly or in part, or modify a decision of the Department of Building and Zoning. A written decision of the Zoning Board of Appeals shall contain findings of fact which support its decision. If the Zoning Board of Appeals affirms the decision of the Department of Building and Zoning,

the decision of the Zoning Board of Appeals is a final administrative determination and shall be subject to review as provided by law.

If the Zoning Board of Appeals reverses the decision of the Department of Building and Zoning, the Department of Building and Zoning has the right to appeal the Zoning Board of Appeals' decision to the Cook County Board of Commissioners. The matter shall be heard upon the record of the Zoning and Building Committee, or a subcommittee, ("Committee") of the Cook County Board of Commissioners. No additional testimony shall be taken and no additional documents shall be filed. The Committee shall provide notice of its hearing of an appeal as provided in this section. The Committee may affirm, reverse, wholly or in part, or modify the decision of the Zoning Board of Appeals.

If the Committee reverses the Zoning Board of Appeals, the decision of the Committee shall be a final administrative determination and shall be subject to review as provided by law. The Secretary of the Zoning Board of Appeals shall maintain complete records of all actions relative to appeals.

*13.3.6. Secretary of the Zoning Board of Appeals.*

- A. The Secretary of the Zoning Board of Appeals shall be appointed by the President of the Cook County Board of Commissioners.
- B. Duties of the Secretary of the Zoning Board of Appeals shall be as follows:
  - 1. Maintain records of the Zoning Board of Appeals.
  - 2. Forward to the County Board of Commissioners final findings of fact and recommendations of the Zoning Board of Appeals for map amendments and special uses and such other matters under this ordinance which require consideration or action by the Cook County Board of Commissioners.
  - 3. Administer duties which may be delegated to the Secretary by the Cook County Board of Commissioners and the Zoning Board of Appeals.

13.4. -- Building permits/zoning certificates.

*13.4.1. Application.* An application for a building permit shall be deemed an application for a zoning certificate. An application shall be accompanied by the following:

- A. Plat of survey, ~~in triplicate~~, drawn to scale and showing actual dimensions of lots and blocks, ~~as required by the Department of Building and Zoning~~. The plat shall be dated within the prior ~~six-month~~ five year period and it shall be certified by a land surveyor licensed by the State of Illinois as a true copy of the property according to the registered or recorded plat of subdivision.
- B. Site plan signed and sealed by a registered professional engineer in the State of Illinois, in triplicate, drawn to scale in such form as may be prescribed by the Department of Building and Zoning. The site plan shall show the ground area, height and bulk of the building or structure, building lines in relation to lot lines, use to be made of the building, structure or land and such other information as may be required by the Department of Building and Zoning.

13.4.2. *Procedure.* A copy of each plat of survey and site plan shall be attached to the application for a building permit when it is submitted to the Department of Building and Zoning for zoning certification. The Department of Building and Zoning shall retain the application, attached plats and plans as public records.

13.6. – Variations.

13.6.1. *Purpose.* In order to provide a streamlined approval process for minor modifications of selected zoning standards, the Zoning Administrator is hereby given the authority to review and approve applications for variances of ten percent or less of the regulations as to location of structures or as to bulk requirements without referral to the Zoning Board of Appeals and without a public hearing in accordance with this ordinance. The Zoning Board of Appeals, after a public hearing, shall recommend to the Cook County Board of Commissioners to grant or deny all other authorized variations under this ordinance. In making a recommendation to grant a variance, the Zoning Board of Appeals shall make findings of fact in accordance with standards prescribed in this ordinance for variations, and shall also find that there are practical difficulties or particular hardships which prevent the applicant from strictly following regulations of this ordinance.

13.6.2. *Application, hearing, and notice of hearing.*

A. An application for a variation shall be filed in triplicate with, and shall contain such information as required by, the Department of Building and Zoning. Electronic submission of application and supporting documents shall be encouraged. Applications for sign variances will also require the submittal of one detailed, signed and sealed architectural drawing of the proposed sign and a detailed sketch and/or rendering of the sign. In addition, the applicant shall file a sworn affidavit containing a complete list of the names and last known addresses of the owners of properties on lots lying within 150 feet of the property lines of the lot for which the variance is sought with his or her variance application, whose names appear on the Cook County tax records. Only the name and last known address of the condominium association shall be required for condominium developments that are located within 150 feet from the subject property. The Zoning Administrator shall reject applications for variations which do not comply with the provisions of this ordinance. Applications for sign variances will also require the submittal of one detailed, signed and sealed architectural drawing of the proposed sign and a detailed sketch and/or rendering of the sign. A copy of each application for variance which complies with the provisions of this ordinance shall be forwarded by the Department of Building and Zoning shall forward one copy of the application to the Cook County Board Commissioner in whose district the property is located. The application shall contain such information as required by the rules of the Department of Building and Zoning.

B. The Zoning Board of Appeals shall hold at least one a public hearing on each application for a variance, except those which the Zoning Administrator intends to grant pursuant to Section 13.6.9 of this article. An authorized representative of any County department that provided comment on the application shall testify at the hearing if requested by the Zoning Board of Appeals. The hearing shall take

place at the Cook County Administration Building unless the Secretary of the Zoning Board of Appeals determines that the County Building has more adequate facilities for such hearing. A record of proceedings, examinations, and other official actions shall be preserved in the manner prescribed by Zoning Board of Appeals' rules. However, the hearing will not be transcribed by a court reporter unless requested by the Zoning Board of Appeals or another interested party, and in that case the cost of the transcription must be borne by the person requesting it. If there is a judicial proceeding for a violation of any Cook County ordinance involving the subject property, the applicant shall not be entitled to seek, nor shall the Zoning Board of Appeals grant, more than one continuance.

- C. Notice of the time and place of a public hearing for all variance applications, except those which the Zoning Administrator intends to grant pursuant to Section 13.6.9 of this article, shall be published by the Zoning Board of Appeals at least once, not less than 15 days nor more than 30 days, before the hearing in a newspaper of general circulation in Cook County. The published notice may be supplemented by additional notice as required by the rules of the Zoning Board of Appeals. In addition, written notice of public hearings, including the reference number assigned by the Zoning Board of Appeals, and the place, date, and time of the hearing shall be given not less than seven days or more than 45 days before the hearing, by the Zoning Board of Appeals shall be as follows: A. Notices shall be given to the clerk of each municipality within 1½ miles of the subject property current real estate tax assesses, as shown on the records of the County Tax Collector, and to all persons whose names are listed on mailboxes, doorbells or signs on lots lying within 150 feet of the property lines of the lot for which the variation is sought in the sworn affidavit filed by the applicant with his or her variance application. When a condominium development is within 150 feet of the subject property, notice need only be sent to the condominium association of condominium developments that are located within 150 feet from the subject property. In addition, the applicant shall serve notice to the clerk of each municipality within 1½ miles of the subject property. B. Notices should be in writing and shall give the variation number assigned by the Zoning Board of Appeals, the place, date and time of the hearing and shall be given not less than seven days nor more than 45 days before the hearing. The applicant shall file a sworn affidavit containing a complete list of the names and last known addresses of the owners of the properties and other entities required to be served. The Zoning Board of Appeals shall maintain a record of the method of service, and the names and last known addresses of the persons served with copies of the notice. The affidavit shall create a presumption that notice was given as required.

*13.6.3. Standards.* The Zoning Board of Appeals shall not recommend to the Board of Commissioners that it grant or deny a variance, unless the Zoning Board of Appeals first makes written findings of fact on each of the following standards based upon evidence presented:

- A. Physical surroundings, shape or topographical condition of the property would result in hardship upon the owner, as distinguished from a mere inconvenience, if the provisions of this ordinance were followed.

- B. Conditions which are unique to the property exist and are not applicable to other properties within the same zoning classification.
- C. Variation sought is not based exclusively upon a desire to make the property more profitable.
- D. Hardship or alleged difficulty is caused by this ordinance and not by any person presently having an interest in the property.
- E. Variation will not be detrimental to the public welfare or injurious to other properties or improvements in the neighborhood.
- F. Variation will not impair an adequate supply of light and air to adjacent properties, substantially increase congestion in the public streets, increase the danger of fire, cause increased flooding risk to adjacent property, endanger public safety or substantially diminish or impair property values within adjacent neighborhoods.

*13.6.4. Conditions and restrictions.* The Zoning Board of Appeals may recommend to the Board of Commissioners such conditions and restrictions upon the premises benefited by a variation as may be necessary to reduce or minimize the effect of the variation upon other properties in the neighborhood and to better carry out the general intent of this ordinance. Failure of the applicant to comply with conditions and restrictions imposed shall constitute a violation of this ordinance.

*13.6.5. Authorized ~~variations~~nces.* A variation from the regulations of this ordinance may be granted by the Cook County Board of Commissioners only in the following instances and in accordance with standards set forth in this ordinance:

- A. Permit a yard or setback less than the yard or setback required by this ordinance.
- B. Permit the use of a lot or lots for a use which is otherwise prohibited solely because of the insufficient area or width of the lot or lots. The Cook County Board of Commissioners shall not grant a variation which results in the division of a conforming lot or lots into ~~two or more~~ any nonconforming lots. The Cook County Board of Commissioners shall not allow a lot less than 40,000 square feet to be used for an individual septic system and water supply system, unless the Cook County Department of Public Health has approved the systems.
- C. Permit the same off-street parking facility to qualify as a facility for two or more uses, provided the substantial use of the facility by each user does not take place at the same hours of the same days of the week.
- D. Reduce required off-street parking or off-street loading facilities.
- E. Increase the maximum distance that required parking spaces are permitted to be located from the use served.



- F. Increase dimensions or square footage of signs as provided in Article 12 and Ordinance No. 02-O-05.
- G. Increase the maximum gross floor area of any use required by this ordinance.
- H. Grant ~~variations~~variances for property located in a floodplain in accordance with the Floodplain Ordinance for Cook County, Illinois.
- I. Reduce lot size when property has been diminished in size by eminent domain or by a conveyance in lieu of an eminent domain proceeding.
- J. Grant height ~~variations~~variances for freestanding cellular tower facilities as provided in Ordinance No. 01-O-32. No height ~~variation~~variance for a cellular radio facility which is attached to or installed on a building shall be allowed.
- K. Grant height ~~variations~~variances for fences.

*13.6.6. Recommending ~~variations~~variances.* A majority vote of three of the five voting members of the Zoning Board of Appeals is required to recommend to the Cook County Board of Commissioners to grant or deny a ~~variation~~variance. No decision of the Cook County Board of Commissioners granting a ~~variation~~variance shall be valid for more than one year, unless a building permit is obtained and construction of the building or the use commenced.

*13.6.7. Action by the Cook County Board of Commissioners.*

- A. Final action shall not be taken by the Cook County Board of Commissioners on an application for a ~~variation~~variance until the Zoning Board of Appeals' findings of fact and recommendations have been received.
- B. ~~Variances~~variances shall be approved by a favorable vote of three-quarters of all members of the Cook County Board of Commissioners in cases where the Zoning Board of Appeals has not recommended approval of a proposed ~~variation~~variance or where there has been a written protest filed against a proposed ~~variation~~variance in accordance with Section 13.13 of this ordinance.
- C. ~~Applications for variations shall be deemed denied if the Cook County Board of Commissioners has not taken final action within 60 days of receiving the Zoning Board of Appeals' findings and recommendations. The 60-day period may be extended if a request for an extension is made by the applicant.~~
- D. The Cook County Board of Commissioners may impose conditions and restrictions upon a ~~variation~~variance in order to assure that the public health, safety and welfare is adequately protected.

*13.6.8. Effect of denial.* An application for a ~~variation~~variance which has been denied wholly or in part by the Cook County Board of Commissioners shall not be resubmitted for a period of one year from the date of the denial, except on grounds of new evidence or proof of changed conditions found to be valid by the Zoning Board of Appeals.

13.6.9. Administrative Adjustments. An application for a variance of ten percent or less of the regulations as to location of structures or as to bulk requirements may be granted by the Zoning Administrator without referral to the Zoning Board of Appeals and without a public hearing provided that:

- A. The Zoning Administrator has not granted an application for variance of ten percent or less of the regulations as to location of the same or similar structure or bulk requirements submitted by the same applicant in the past 5 years from the date of application;
- B. Proof of compliance with the notice requirements to owners of the adjoining properties is submitted by the applicant, in accordance with the rules of the Department of Building and Zoning;
- C. No objection is submitted by the owners of the adjoining properties, in accordance with the rules of the Department of Building and Zoning;
- D. The Zoning Administrator finds that the variance sought eliminates an unnecessary inconvenience to the applicant and will have no appreciable adverse impact on the health, safety, or general welfare of adjoining property owners or the general public;
- E. A copy of the application is forwarded to the Cook County Board Commissioner in whose district the property is located with a notice of intent to grant the variance without referral to the Zoning Board of Appeals and without a public hearing; and
- F. No objection is submitted by the Cook County Board Commissioner in whose district the property is located within 14 days of the date of the notice of intent to grant the variance.

If any of the above conditions are not met, the Zoning Administrator shall refer the application for variance to the Zoning Board of Appeals.

In granting an application for a variance of ten percent or less of the regulations as to location of structures or as to bulk requirements, the Zoning Administrator may impose conditions and restrictions upon a variance sought under this Section in order to assure that the public health, safety and welfare is adequately protected. No decision of the Zoning Administrator granting a variance shall be valid for more than one year, unless a building permit is obtained and construction of the building or the use commenced.

#### 13.7. - Map amendments.

13.7.1. Authority. The districts established by this ordinance may be amended by the Cook County Board of Commissioners. No map amendment shall be made without consideration of existing conditions, property values, trends of development and uses to which property is devoted.

*13.7.2. Initiation.* A map amendment may be proposed by the President or a member of the Cook County Board of Commissioners or by any person or entity having an interest in the subject property. A map amendment shall be initiated as provided in this article.

*13.7.3. Notice of application.* An applicant shall, not less than 15 days nor more than 30 days before filing an application, serve written notice, of intent to apply for a map amendment by certified mail with return receipt requested, to the property owners within 250 feet of the lot lines of the subject property. ~~The property owners receiving notice shall be those persons or entities~~ whose names appear on the Cook County tax records. For condominium developments that are located within 250 feet of the lot line of the subject property, only the condominium association shall be served with notice. The number of feet occupied by public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement. Notice need not be sent to owners more than 400 feet from the subject property when public streets, alleys and other public ways are included in the computation. In addition, the applicant shall serve notice to the clerk of each municipality within 1½ miles of the subject property, the superintendent of each local school district, the fire chief of each local fire protection district, the township clerk and township highway commissioner. When the applicant is either the President of a member of the Cook County Board of Commissioners, notice shall be served in accordance with this section, by the Zoning Board of Appeals. Notice shall contain the address of the subject property, a brief statement of the nature of the application, the name and address of the applicant and a statement of the approximate date when the applicant intends to apply. If the property owner on which notice is served cannot be found, or the mailed notice is returned, the notice requirements of this provision shall be deemed satisfied provided the applicant made a bonafide effort to determine the owner's address.

*13.7.4. Application.*

- A. ~~An a~~Applications for a map amendment shall be submitted to the Department of Building and Zoning in such form and accompanied by such information as required by the Department of Building and Zoning. The applicant shall file one original ~~and 15 copies of the~~ application and all supporting documents. The applicant shall include a written statement and evidence establishing that the proposed map amendment will conform to the standards set forth in this article. The applicant shall ~~attest~~disclose, and the Department of Building and Zoning shall independently verify, ~~that now~~whether a judicial proceeding for a violation of any Cook County ordinance is pending pertaining to the subject property.
- B. Applicants shall ~~furnish to~~file with the Department of Building and Zoning a sworn affidavit containing a complete list of the names and last known addresses of the persons ~~to be served with notice pursuant to 13.7.3.~~ Applicant(s) shall also furnish a written statement to the Department of Building and Zoning certifying ~~compliance with the notice requirements of this ordinance.~~
- C. ~~Notices, as set forth in this article, shall be served by the Secretary of the Zoning Board of Appeals when the applicant is either the President or a member of the Cook County Board of Commissioners. Notice shall be served not less than 15 days nor more than 30 days before a scheduled public hearing.~~

D. Applications shall be accompanied by proposed findings of fact addressing each of the standards in Section 13.7.9. (A).

E. Applications which fail to comply with this Section shall be returned by the Zoning Administrator to the applicant, and the accompanying application fee will be reimbursed. The Zoning Administrator ~~may~~shall retain one copy of the application and supporting documents.

13.7.5. Disclosure. Applicants shall make the following disclosures by sworn affidavit, filed at the time of the application.

A. *Property.*

1. Applicants of property held in a land trust, shall disclose the identity of each beneficiary of the trust including the name, address and percentage of interest of each beneficiary. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
2. Applicants of property owned by a partnership or association of two or more persons holding a common interest shall disclose the name and address of each partner or associate shall be listed. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
3. Applicants of property owned by a corporation shall disclose the name, address and percentage of ownership interest of shareholders owning five percent or more of the corporation shall be disclosed. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~

B. *Applicant.*

1. Applicants acting as agents or nominees shall disclose their agency relationship shall be disclosed and the name and address of the principals and their interest in the subject property. If the principals are not individuals, the identity of the principals shall be disclosed as set forth. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
2. Applicants who are either the President or a member of the Cook County Board Commissioners shall disclose any ownership interest in the property or any direct or indirect interest in the property and the nature of the interest. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
3. Applicants who are a partnerships or associations of two or more persons holding a common interest shall disclose the name, address and percentage of ownership interest of each partner or associate having more than a five-percent interest ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
4. Applicants who are a corporation shall disclose the name, address and percentage of ownership interest of shareholders owning five percent or more of the corporation. ~~Disclosure shall be a statement under oath and filed at the~~

time of the application.

- C. ~~Applications which fail to comply with this Section shall be returned by the Zoning Administrator to the applicant. The Zoning Administrator shall retain one copy of the application and supporting documents.~~

*13.7.6. Processing applications.*

Upon receipt of a complete application for map amendment, and at least 15 days before a scheduled hearing date, t~~The Zoning Board of Appeals~~Department of Building and Zoning shall forward a copy of the application, including the applicant's proposed findings of fact and all supporting documentation, to the Cook County Commissioner in whose district the property is located, and shall notify the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Highways, the Cook County Forest Preserve District, the Cook County Department of Public Health, and the Cook County Department of Environmental Control that a complete application, including the applicant's proposed findings of fact and all supporting documentation has been submitted and is ready for review at least 30 days before a scheduled hearing date. Each reviewing department shall submit recommendations and comments ~~to the Secretary of the Zoning Board of Appeals~~ at least ~~threeseven~~ days before the scheduled hearing date. ~~In addition, the Zoning Board of Appeals shall provide notice of the availability of the application and supporting documents for inspection and copying to the superintendents of local school districts, the fire chiefs of local fire protection districts, the township highway commissioner, the township clerk and municipalities within 1½ miles from the subject property.~~

Each reviewing department shall examine the application and supporting documentation based upon the following, as well as similar criteria:

A. Department of Planning and Development.

1. Economic impact.
2. Community need.
3. Trend of development.
4. Demographics.
5. Property values.

B. Department of Building and Zoning.

1. Site plan review.
2. Land use and permit review of properties in the vicinity of the proposed use.
3. Lot size.
4. Subdivision regulations.

C. Department of Highways.

1. Wetland mitigation and compensation.
2. Floodway and floodplain capacity and storage.

3. Drainage detention requirements.
4. Roads, bridges, culverts, driveways, sidewalks, ingress, egress and access control.
5. Subdivision regulations.
6. Drainage, utilities, road easements and dedications.
  
7. Criteria from other regulatory agencies such as the Metropolitan Water Reclamation District, Illinois Department of Transportation, Illinois Department of Natural Resources, United States Army Corps of Engineers, local fire protection agencies and townships.
8. Erosion and sediment control requirements.

D. Forest Preserve Districts.

1. Compatibility of the proposed use with Forest Preserve holdings.
2. Impact on value of Forest Preserve holdings.
3. Future Forest Preserve acquisitions.

E. Department of Public Health.

1. Lot sizes for private septic systems and wells.
2. Subdivision regulations.
3. Swimming pools.
4. Public or community well and septic or sewage systems.
5. Health and safety concerns.

F. Department of Environmental Control.

1. Noise and odor regulations.
2. Soil geology and composition.
3. Wetland mitigation and compensation.
4. Discharges of effluent and particulate into the air, land and water.
5. Criteria from other regulatory agencies such as the Metropolitan Water Reclamation District, Illinois Environmental Protection Agency, Illinois Department of Natural Resources, United States Army Corps of Engineers and United States Environmental Protection Agency.

The Cook County departments' recommendations and comments shall be available to the applicant or its representative, upon request, for review and/or reproduction prior to the hearing date.

*13.7.7. Notice of public hearing.*

- A. Time and place of a public hearing shall be published in a newspaper of general circulation in Cook County not less than 15 days before the hearing. In addition, at least 15 days before the hearing, notice of the hearing shall be posted on the property proposed to be rezoned in such a way as to be plainly visible from the roadway or right-of-way passing the frontage of the property. Notice posted on the

property shall be maintained until the date of hearing on a weatherproof sign that is at least three feet by four feet in size. The sign shall have a white background and contain the word "NOTICE" in red capital letters at least six inches high. The remaining lettering shall be in black capital letters a minimum of three inches in height. Notice shall contain at least the following language: "This property is the subject of a rezoning hearing before the Cook County Zoning Board of Appeals on (date) at (time) at (location)."

- B. Written notice shall be served by regular mail and also by certified mail, with return receipt requested, at least 15 days before the hearing, by the Zoning Board of Appeals to the clerk of each municipality within 1½ miles of the property proposed to be rezoned. ~~Notice shall also be sent, in the same manner, to the clerk of the township in which the property is located the superintendent of each school district and the fire chief of the local fire protection district in which the property is located. An~~ The applicant shall serve written notice, by certified mail, with return receipt requested, to property owners within 250 feet of the lot line of the subject property, whose names appear on the Cook County tax records, as to the date, time and location of the public hearing. For condominium developments that are located within 250 feet of the lot line of the subject property, only the condominium association shall be served with notice. The notices shall contain the same information as the posted notice and shall also contain the legal description of the property, the common address of the property, the name of the applicant, the applicant's representative and a brief description of the requested map amendment. ~~In addition, notice of all hearings shall be sent to each civic or property owners' organization requesting notice of hearings on map amendments. Failure to notify a civic or property owners' organization, however, shall not invalidate the hearing.~~ Supplemental or additional notices may be published or distributed as prescribed by the Zoning Board of Appeals' rules. All required notices shall be provided at the expense of the applicant. Applicant shall submit proof of mailing for all required notices. Applicants shall also furnish a sworn affidavit to the Zoning Board of Appeals certifying compliance with the notice requirements of this ordinance.
- C. Except as indicated in subsection B, the aApplicants shall be responsible for the preparation of both posted and mailed notices and shall be solely responsible for the adequacy and accuracy of the information. The applicant shall also be responsible for placing and maintaining posted notice and for mailing and maintaining records of written notices. The Secretary of the Zoning Board of Appeals shall be responsible for assuring that notice by newspaper publication, at the expense of the applicant, is given.
- D. ~~Copies of an application shall be served in person or by certified mail on the owners of record within ten days after the application is filed when the applicant is the President or a member of the Cook County Board of Commissioners. Where the application is filed by a person having an interest in the subject property, a notice and copy of the application shall be served in like manner upon persons or entities having an interest in the property. .~~ When the applicant is the President or a member of the Cook County Board of Commissioners, notice shall be served in accordance with this section, by the Zoning Board of Appeals, not less than 15 days nor more than 30 days before a scheduled public hearing. Notice and service

requirements shall be in addition to posting and publishing requirements of this article.

*13.7.8. Hearing.*

The Zoning Board of Appeals shall hold ~~at least one~~ a public hearing on each application for a map amendment ~~in the township in which the property is located.~~ An authorized representative of any County department that provided comment on the application shall testify at the hearing if requested by the Zoning Board of Appeals. The hearing shall take place at the Cook County Administration Building unless the Secretary of the Zoning Board of Appeals determines that the County Building has more adequate facilities for such hearing. Provided, that if the owner of any property affected by such proposed map amendment submits a written request to the Zoning Board of Appeals within 14 days of referral by the Cook County Board of Commissioners, Committee on Building and Zoning, such hearing shall be held in the township or road district affected by the terms of such proposed amendment, as provided by State law. A record of proceedings, examinations, and other official actions shall be preserved in the manner prescribed by Zoning Board of Appeals' rules. If there is a judicial proceeding for a violation of any Cook County ordinance involving the subject property, the applicant shall not be entitled to seek, nor shall the Zoning Board of Appeals grant, more than one continuance. The hearing shall be transcribed by a court reporter of the applicant's choosing. Failure of the applicant to provide a transcript of the hearing(s) within 30 days following the hearing shall void the application. The deadline to submit a transcript may be extended by the Zoning Board of Appeals once, for a maximum of 30 additional days.

*13.7.9. Standards and findings of fact and recommendation of the Zoning Board of Appeals.*

- A. Evidence submitted shall be reviewed by the Zoning Board of Appeals to determine whether the proposed use benefits public health, safety and welfare with respect to the following standards:
  1. Uses of surrounding property.
  2. Zoning classification of surrounding property.
  3. Suitability of the subject property for the use permitted under the existing zoning classification.
  4. Trend of development in the area.
  5. Length of time the property has been vacant as zoned considered in the context of land development in the surrounding area.
  6. Extent to which property values are diminished by particular zoning restrictions.
  7. Need in the community for the proposed use.
  8. Consistency with the Cook County Comprehensive Land Use and Policies Plan.
- B. ~~Applicants shall submit one original and 15 copies of proposed findings of fact documenting how the proposed amendment meets the standard to the Zoning~~



~~Board of Appeals within 30 days of the public hearing. The applicant may seek, and the Zoning Board of Appeals may grant for good cause shown, one 30-day extension of time for the applicant to submit findings of fact. The Zoning Board shall, within seven days from receiving the applicant's proposed findings of fact, forward the proposed findings of fact to the Cook County Commissioners in whose district the property is located, the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Highways, the Cook County Forest Preserve District, the Cook County Department of Public Health, the Cook County Department of Environmental Control, to each municipality within 1½ miles of the subject property and local school and fire protection districts. Any interested party, upon written request to the Zoning Board of Appeals, may review the applicant's proposed findings of fact. County departments, municipalities and other interested persons shall have 30 days from receiving the applicant's proposed findings of fact to file a written response with the Zoning Board of Appeals. The applicant or its representative may, within 14 days of the response period, review and/or furnish the Zoning Board of Appeals with any reply to the written responses filed.~~

- ~~C. Recommendations and comments of the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Highways, the Cook County Forest Preserve District, the Cook County Health Department, the Cook County Department of Environmental Control and municipalities within 1½ miles of the subject property and local school and fire protection districts shall be considered and addressed in writing by the Zoning Board of Appeals in its findings and recommendations. The Secretary of the Zoning Board of Appeals shall prepare findings of fact and recommendations in accordance with this article.~~
- ~~D. Written findings of fact and recommendations to approve or deny the application shall be made by the Zoning Board of Appeals within 90 days after the close of a public hearing on a proposed map amendment. The Zoning Board of Appeals and shall be submitted its findings and recommendations to the Cook County Board of Commissioners. Recommendations and comments of the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Highways, the Cook County Forest Preserve District, the Cook County Health Department, the Cook County Department of Environmental Control and municipalities within 1½ miles of the subject property and local school and fire protection districts shall be considered and addressed in writing by the Zoning Board of Appeals in its findings and recommendations. The 90-day period may be extended by the Zoning Board of Appeals once, for a maximum of 30 additional days if the Zoning Board of Appeals granted an extension pursuant to this article. Failure of the Applicant to provide a transcript of the hearing within 60 days following the hearing shall void the application.~~
- ~~E. C. Recommendation for the adoption of a proposed map amendment shall not be made by the Zoning Board of Appeals unless it makes written findings of fact that the proposed use satisfies each of the standards and is in the best interest of the public. In all cases, the recommendations to the Cook County Board of Commissioners are advisory only.~~

*13.7.10. Action by the Cook County Board of Commissioners.*

- A. Final action shall not be taken on a proposed map amendment by the Cook County Board of Commissioners until the Zoning Board of Appeals' findings of fact and recommendations have been received.
- B. Map amendments shall be approved by a favorable vote of three-quarters of all members of the Cook County Board of Commissioners in cases where the Zoning Board of Appeals has not recommended adoption of a proposed map amendment or where there has been a written protest filed against a proposed map amendment in accordance with this article.
- ~~C. Applications for map amendments shall be deemed denied if the Cook County Board of Commissioners has not taken final action within 60 days of receiving the Zoning Board of Appeals' findings and recommendations. The 60 day period may be extended if a request for an extension is made by the applicant or by a Cook County Board Commissioner and is granted by the Board of Commissioners.~~
- ~~D.~~ Decisions reached by the Cook County Board of Commissioners shall take into account the findings and recommendations of the Zoning Board of Appeals.
- ~~E.~~ D. Map amendments granted by the Cook County Board of Commissioners shall be included in an ordinance passed by the County Board.

*13.7.11. Effect of denial.* An application for a map amendment which has been denied wholly or in part by the Cook County Board of Commissioners shall not be resubmitted for a period of one year from the date of the denial, except on grounds of new evidence or proof of changed conditions found to be valid by the Cook County Board of Commissioners.

*13.7.12. Text amendments.* The Cook County Board of Commissioner's home rule authority to amend the text of this ordinance shall not be limited by this article.

**13.8. - Special uses.**

*13.8.1. Purpose.* The development and execution of this ordinance is based upon the division of Cook County into zoning districts. In addition to permitted uses, there are special uses which may be necessary because of the unusual characteristics or services special uses provide to the public. Special uses require case-by-case consideration to determine public need, appropriate location, impact on adjacent, existing or future uses and compatibility to the planned development of the community. Special uses fall into two categories.

- A. Uses publicly operated or traditionally associated with a public interest.
- B. Uses generally consistent with permitted uses which give rise to unique problems or benefits by virtue of their impact on neighboring property, public facilities or Cook County as a whole.

*13.8.2. Initiation.* A special use may be proposed by the President or a member of the Cook County Board of Commissioners or by any person or entity having an interest in the subject property. A special use shall be initiated as provided in this article.

*13.8.3. Notice of application.* Applicants shall, not less than 15 days nor more than 30 days before filing an application, serve written notice of intent to apply for a special use, by certified mail with return receipt requested, to the property owners within 250 feet of the lot lines of the subject property. The property owners receiving notice shall be those persons or entities whose names appear on the Cook County tax records. For condominium developments that are located within 250 feet of the lot line of the subject property, only the condominium association shall be served with notice. The number of feet occupied by public roads, streets, alleys, other public ways shall be excluded in computing the 250 feet requirement. Notice need not be sent to owners more than 400 feet from the subject property when public streets, alleys and other public ways are included in the computation. In addition, the applicant shall serve notice to the clerk of each municipality within 1½ miles of the subject property, the superintendent of each local school district, the fire chief of each local fire protection district, the township clerk and township highway commissioner. When the applicant is either the President of a member of the Cook County Board of Commissioners, notice shall be served in accordance with this section, by the Zoning Board of Appeals. Notice shall contain the address of the subject property, a brief statement of the nature of the application, the name and address of the applicant and a statement of the approximate date when the applicant intends to apply. If the property owner on which notice is served cannot be found, or the mailed notice is returned, the notice requirements of this provision shall be deemed satisfied provided the applicant made a bonafide effort to determine the owner's address.

*13.8.4. Application.*

- A. An applications for a special use shall be submitted to the Department of Building and Zoning in such form and accompanied by such information as required by the Department of Building and Zoning. The applicant shall file one original ~~and 15 copies of the application~~ and all supporting documents. The applicant shall include a written statement and evidence establishing that the proposed special use will conform to the standards set forth in this article. The applicant shall attest, and the Department of Building and Zoning shall independently verify, ~~that whether~~ there is ~~no~~ a judicial proceeding for a violation of any Cook County ordinance pending pertaining to the subject property.
- B. Applicants shall provide a development plan or schedule for phased development of the special use if the special use is not intended to be established within one year. Upon approval, the development plan or schedule for the phased development shall be considered as a limitation and condition on the special use permit.
- C. Applicants shall ~~furnish~~ file with to the Department of Building and Zoning a sworn affidavit containing a complete list of the names and last known addresses of the persons served with notice pursuant to 13.8.3. ~~The applicant shall also furnish a written statement to the Department of Building and Zoning certifying compliance with the notice requirements of this ordinance.~~

- ~~D. Notices, as set forth in this article, shall be served by the Secretary of the Zoning Board of Appeals when the applicant is either the President or a member of the Cook County Board of Commissioners. Notice shall be served not less than 15 days nor more than 30 days before a scheduled public hearing.~~
- ~~E. Applications shall be accompanied by proposed findings of fact addressing each of the standards in 13.8.9 (A).~~
- E. Applications shall be accompanied by a fee as established by the Cook County Board of Commissioners in order to be deemed complete.
- F. Applications which fail to comply with this section shall be returned by the Zoning Administrator to the applicant, and the accompanying fee will be reimbursed. The Zoning Administrator may retain one copy of the application and supporting documents.

13.8.5. Disclosure. Applicants shall make the following disclosures by sworn affidavit, filed at the time of the application.

*A. Property.*

1. Applicants of property held in a land trust shall disclose the identity of each beneficiary of the trust including the name, address and percentage of interest of each beneficiary. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
2. Applicants of property owned by a partnership or association of two or more persons holding a common interest shall disclose the name and address of each partner or associate. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
3. Applicants of property owned by a corporation shall disclose the name, address and percentage of ownership interest of shareholders owning three~~five~~ percent or more of the corporation. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~

*B. Applicant.*

1. Applicants acting as agents or nominees shall disclose their agency relationship and the name and address of the principals, and their interest in the subject property, shall be disclosed. If the principals are not individuals, the identity of the principals shall be disclosed as set forth below. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
2. Applicants who are either the President or a member of the Cook County Board of Commissioners shall disclose any ownership interest in the property or any direct or indirect interest in the property and the nature of the interest. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
3. Applicants who are partnerships or associations of two or more persons holding a common interest shall disclose the name, address and percentage of ownership interest of each partner or associate having more than a five

percent interest. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~

4. Applicants who are corporations shall disclose the name, address and percentage of ownership interest of shareholders owning five percent or more of the corporation. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~

~~C. Applications which fail to comply with this article shall be returned by the Zoning Administrator to the applicant. The Zoning Administrator shall retain one copy of the application and supporting documents.~~

#### *13.8.6. Processing applications.*

Upon receipt of a complete application for special use, and at least 15 days before a scheduled hearing date, tThe Zoning Board of Appeals~~Department of Building and Zoning~~ shall forward a copy of the complete application for special use, including the applicant's proposed findings of fact and all supporting documentation, to the Cook County Commissioner in whose district the property is located, and shall notify the Cook County Department of Planning and Development, ~~the Cook County Department of Building and Zoning,~~ the Cook County Department of Highways, the Cook County Forest Preserve District, the Cook County Department of Public Health, and the Cook County Department of Environmental Control that a complete application, including the applicant's proposed findings of fact and all supporting documentation has been submitted and is ready for review~~at least 30 days before a scheduled hearing date. Each reviewing department shall submit recommendations and comments to the Secretary of the Zoning Board of Appeals at least three days before the scheduled hearing date. In addition, the Zoning Board of Appeals shall provide notice of the availability of the application and supporting documents for inspection and copying to the superintendent of local school districts, the fire chiefs of local fire protection districts, the township highway commissioner, the township clerk and municipalities within 1½ miles from the subject property. Each reviewing department shall submit recommendations and comments at least 7 days before the scheduled hearing date.~~

Each reviewing department shall examine the application and supporting documentation based upon the following, as well as similar criteria:

- A. Department of Planning and Development.
  1. Economic impact.
  2. Community need.
  3. Trend of development.
  4. Demographics.
  5. Property values.
- B. Department of Building and Zoning.
  1. Site plan review.
  2. Land use and permit review of properties in the vicinity of the proposed use.
  3. Lot size.
  4. Subdivision regulations.

- C. Department of Highways.
  - 1. Wetland mitigation and compensation.
  - 2. Floodway and floodplain capacity and storage.
  - 3. Drainage detention requirements.
  - 4. Roads, bridges, culverts, driveways, sidewalks, ingress and egress and access control.
  - 5. Subdivision regulations.
  - 6. Drainage, utilities and road easements and dedications.
  - 7. Criteria from other regulatory agencies such as the Metropolitan Water Reclamation District, Illinois Department of Transportation, Illinois Department of Natural Resources, United States Army Corps of Engineers, local fire protection agencies and townships.
  - 8. Erosion and sediment control requirements.
- D. Forest Preserve District.
  - 1. Compatibility of the proposed use with Forest Preserve holdings.
  - 2. Impact on value of Forest Preserve holdings.
  - 3. Future Forest Preserve acquisitions.
- E. Department of Public Health.
  - 1. Lot sizes for private septic systems and wells.
  - 2. Subdivision regulations.
  - 3. Swimming pools.
  - 4. Public or community well and septic or sewage systems.
  - 5. Health and Safety concerns.
- F. Department of Environmental Control.
  - 1. Noise and odor regulations.
  - 2. Soil geology and composition.
  - 3. Wetland mitigation and compensation.
  - 4. Discharges of effluent and particulate into the air, land and water.
  - 5. Criteria from other regulatory agencies such as the Metropolitan Water Reclamation District, Illinois Environmental Protection Agency, Illinois Department of Natural Resources, United States Army Corps of Engineers and United States Environmental Protection Agency.

The County department's recommendations and comments shall be available to the applicant or its representative, upon request, for review and/or reproduction prior to the hearing date.

*13.8.7. Notice of public hearing.*

- A. Time and place of a public hearing shall be published in a newspaper of general circulation in Cook County not less than 15 days before the hearing. In addition, at least 15 days before the hearing, notice of the hearing shall be posted on the property for which a special use application has been filed in such a way as to be plainly visible from the roadway or right-of-way passing the frontage of the property. Notice posted on the property shall be maintained until the date of hearing on a weatherproof sign that is at least three feet by four feet in size. The

sign shall have a white background and contain the word "NOTICE" in red capital letters at least six inches high. The remaining lettering shall be in black capital letters a minimum of three inches in height. Notice shall contain at least the following language: "This property is the subject of a special use hearing before the Cook County Zoning Board of Appeals on (date) at (time) at (location)."

- B. Written notice shall be served by regular mail and also by certified mail, with return receipt requested, at least 15 days before the hearing by the Zoning Board of Appeals to the Clerk of each municipality within 1½ miles of the property for which the special use application has been filed. ~~Notice shall also be sent, in the same manner, to the clerk of the township in which the property is located and to the superintendent of each school district and the fire chief of the local fire protection district in which the property is located.~~ An applicant shall serve written notice, by certified mail, with return receipt requested, to property owners within 250 feet of the lot line of the subject property, whose names appear on the Cook County tax records, as to the date, time and location of the public hearing. For condominium developments that are located within 250 feet of the lot line of the subject property, only the condominium association shall be served with notice. The notices shall contain the same information as the posted notice and shall also contain the legal description of the property, the common address of the property, the name of the applicant, the applicant's representative and a brief description of the requested special use. ~~In addition, notice of all hearings shall be sent to each civic or property owners' organization requesting notice of hearings on special uses. Failure to notify a civic or property owners' organization, however, shall not invalidate the hearing.~~ Supplemental or additional notices shall be published or distributed as prescribed by Zoning Board of Appeals' rules. All required notices shall be provided at the expense of the applicant. Applicant shall submit proof of mailing for all required notices. Applicant shall also file a sworn affidavit with the Department of Building and Zoning certifying compliance with the notice requirements of this ordinance.
- C. Except as indicated in subsection B, the aApplicants shall be responsible for the preparation of both posted and mailed notices and shall be solely responsible for adequacy and accuracy of the information. The applicant shall also be responsible for placing and maintaining posted notice and for mailing and maintaining records of written notices. The Secretary of the Zoning Board of Appeals shall be responsible for assuring that notice by newspaper publication, at the expense of the applicant, is given.
- D. When the applicant is the President or a member of the Cook County Board of Commissioners, Copies of an applicationnotice shall be served in accordance with this section, by the Zoning Board of Appeals, not less than 15 days nor more than 30 days before a scheduled public hearing ~~in person or by certified mail on the owners of record within ten days after the application is filed when the applicant is the President or a member of the Cook County Board of Commissioners. Where the application is filed by a person having an interest in the subject property, a notice and copy of the application shall be served in like manner upon all other persons or entities having an interest in the property.~~ Notice and service requirements shall be in addition to posting and publishing requirements of this

article.

*13.8.8. Hearing.*

The Zoning Board of Appeals shall hold ~~at least one~~ a public hearing on each application for a special use ~~in the township in which the property is located~~. An authorized representative of any county department that provided comment on the application shall testify at the hearing if requested by the Zoning Board of Appeals. The hearing shall take place at the Cook County Administration Building unless the Secretary of the Zoning Board of Appeals determines that the County Building has more adequate facilities for such hearing. A record of proceedings, examinations, and other official actions shall be preserved in the manner prescribed by Zoning Board of Appeals' rules. If there is a judicial proceeding for a violation of any Cook County ordinance involving the subject property, the applicant shall not be entitled to seek, nor shall the Zoning Board of Appeals grant, more than one-a continuance. The hearing shall be transcribed by a court reporter of the applicant's choosing. Failure of the applicant to provide a transcript of the hearing(s) within 30 days following the hearing shall void the application. The deadline to submit a transcript may be extended by the Zoning Board of Appeals once, for a maximum of 30 additional days.

*13.8.9. Standards and findings of fact and recommendation of the Zoning Board of Appeals.*

- A. Special uses shall not be recommended by the Zoning Board of Appeals unless it makes written findings of fact consistent with the following standards:
  - 1. Establishment, maintenance or operation of the special use will not be detrimental to or endanger public health, safety or general welfare.
  - 2. Establishment, maintenance or operation of the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted, nor diminish and impair property values within the neighborhood.
  - 3. Establishment, maintenance or operation of the special use will not impede the normal and orderly development and improvement of surrounding property for permitted uses.
  - 4. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
  - 5. Adequate measures have been, or will be, taken to provide ingress and egress designed to minimize traffic congestion in public streets.
  - 6. Establishment, maintenance or operation of the special use shall in all other respects conform to all Cook County ordinances, unless otherwise authorized by the Cook County Board of Commissioners pursuant to the recommendation of the Zoning Board of Appeals.
- B. ~~Applicants shall submit one original and 15 copies of proposed findings of fact documenting how the proposed special use meets the standards, to the Zoning Board of Appeals within 30 days of the public hearing. The applicant may seek, and the Zoning Board of Appeals may grant for good cause shown, one 30-day extension of time for the applicant to submit findings of fact. The Zoning Board of~~



~~Appeals shall, within seven days of receiving the applicant's proposed findings of fact, forward the proposed findings of fact to the Cook County Commissioner in whose district the property is located, the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Highways, the Cook County Forest Preserve District, the Cook County Health Department, the Cook County Department of Environmental Control to each municipality within 1½ miles of the subject property and local school and fire protection districts. Any interested party, upon written request to the Zoning Board of Appeals, may review the applicant's proposed findings of fact. County departments, municipalities and other interested persons shall have 30 days from receiving the applicant's proposed findings of fact to file a written response with the Zoning Board of Appeals. The applicant or its representative may, within 14 days of the response period, review and/or furnish the Zoning Board of Appeals with any reply to the written response filed.~~

- ~~C. Recommendations and comments of the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Highways, the Cook County Forest Preserve District, the Cook County Health Department, the Cook County Department of Environmental Control, and municipalities within 1½ miles of the subject property and local school and fire protection districts shall be considered and addressed in writing by the Zoning Board of Appeals in its findings and recommendations. The Secretary of the Zoning Board of Appeals shall forward findings of fact and recommendations in accordance with this article.~~
- ~~D. Written findings of fact and recommendations to approve or deny the application shall be made by the Zoning Board of Appeals within 90 days after the close of a public hearing on a proposed special use and shall be submitted to the Cook County Board of Commissioners. Recommendations and comments of the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Highways, the Cook County Forest Preserve District, the Cook County Health Department, the Cook County Department of Environmental Control, and municipalities within 1½ miles of the subject property and local school and fire protection districts shall be considered and addressed in writing by the Zoning Board of Appeals in its findings and recommendations. The Zoning Board of Appeals shall submit its findings and recommendations to the Cook County Board of Commissioners. The 90-day period may be extended by the Zoning Board of Appeals for a maximum of 30 additional days if the Zoning Board of Appeals granted an extension pursuant to this article.~~
- E. Recommendation for the adoption of a proposed special use shall not be made by the Zoning Board of Appeals unless it makes written findings of fact that the proposed use satisfies each of the standards and is in the best interest of the public. In all cases, the recommendations to the Cook County Board of Commissioners are advisory only.

*13.8.10. Conditions and guarantees.* The Zoning Board of Appeals may recommend, and the Cook County Board of Commissioners may impose, conditions and restrictions upon a special use to assure compliance with standards and requirements of this ordinance. The Cook County Board of Commissioners may require evidence and guarantees to ensure that the applicant complies with the conditions and restrictions of the special use. Failure of the applicant to comply with such conditions or restrictions shall constitute a violation of this ordinance.

*13.8.11. Action by the Cook County Board of Commissioners.*

- A. Final action shall not be taken on a proposed special use by the Cook County Board of Commissioners until the Zoning Board of Appeals' findings of fact and recommendations have been received.
- B. Special uses shall be approved by a favorable vote of three-quarters of all members of the Cook County Board of Commissioners in cases where the Zoning Board of Appeals has not recommended adoption of a proposed special use or where there has been a written protest filed against a proposed special use in accordance with this article.
- C. ~~Applications for special uses shall be deemed denied if the Cook County Board of Commissioners has not taken final action within 60 days of receiving the Zoning Board of Appeals' findings and recommendations. The 60-day period may be extended if a request for an extension is made by the applicant or by a Cook County Board Commissioner and is granted by the Board of Commissioners.~~
- ~~D.~~ Decisions reached by the Cook County Board of Commissioners shall take into account the findings and recommendations of the Zoning Board of Appeals.
- ~~E.~~ D. Special uses granted by the Cook County Board of Commissioners shall be included in an ordinance passed by the County Board.

*13.8.12. Planned unit developments.* A planned unit development shall conform to the requirements in Article 9.

*13.8.13. Effect of denial.* Applications for special uses which have been denied wholly or in part by the Cook County Board of Commissioners shall not be resubmitted for a period of one year from the date of the denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Cook County Board of Commissioners.

*13.8.14. Revocation.* A special use which has been approved but not established on a zoning lot within one year or as otherwise provided by the special use permit shall be null and void. A special use is established on the date of issuance of a building permit. The Zoning Board of Appeals shall not have authority to extend the time limitation contained in a special use permit. If a special use is revoked by operation of this provision, and if the special use was granted in conjunction with a map amendment, the map amendment shall be revoked concurrently with revocation of the special use. Upon revocation, zoning of the subject property shall revert to the prior zoning classification unless otherwise authorized by the Cook County Board of Commissioners.

ARTICLE 14. RULES AND DEFINITIONS

Map Amendment. An amendment to the zoning map which modifies a property's zoning designation.

*Telecommunications carrier, wireless communication transmitting and receiving facility.*

A "telecommunications carrier, wireless communication transmitting and receiving facility" is a facility which consists of a combination of improvements and equipment, including but not limited to towers, antennas, wires, electrical cabinets, and foundations, that is operated pursuant to applicable federal licenses and includes antenna devices by which signals are transmitted and/or received.

Text Amendment. A change in the development standards in one or more zoning districts.

Effective Date: This Proposed Ordinance Amendment shall be in effect immediately upon passage and approval.

**\* Referred to the Zoning and Building Committee on July 17, 2013.**

**Vice Chairman Murphy, seconded by Commissioner Steele, moved the Approval of Communication No. 324315. The motion carried.**

**Vice Chairman Murphy, seconded by Commissioner Tobolski, moved to Accept the Substitute Ordinance Amendment for Communication No. 324315. The motion carried, and Communication No. 324315 was SUBSTITUTED, as follows:**

#### **SUBSTITUTE ORDINANCE AMENDMENT FOR COMMUNICATION NO 324315**

Sponsored by TONI PRECKWINKLE, President, and PETER N. SILVESTRI, County Commissioner

#### **AMENDING ZONING ORDINANCE**

BE IT ORDAINED, by the Board of Commissioners of Cook County that Appendix A, Zoning, Article 8, General Provisions, Section 8.6, Article 9, Planned Unit Development, Sections 9.5 through 9.8, Article 13, Administration and Enforcement, Sections 13.3, 13.4, 13.6, 13.7, and 13.8, and Article 14, Rules and Definitions, of the Cook County Code shall be amended as follows:

#### **ARTICLE 8. GENERAL PROVISIONS**

##### **8.6. - Structure height.**

The following requirements qualify or supplement district regulations in this ordinance:

8.6.1. *District regulations.* The height of any structure shall not exceed 125 percent of the height of the tallest existing structure located within a one-quarter mile radius of the property lines of the subject site. Structures located in R-7, R-8, C-2, C-4, C-7 or C-8 zoning districts shall not be used in the calculation of tallest existing structure. Property zoned R-7, R-8, C-2, C-4, C-7 or C-8 is exempted from this provision. This provision shall not apply if no structure exists within a one-quarter mile radius.

8.6.2. *Public buildings.* A public hospital or institution, a public or parochial school and a public utility or public service building shall not exceed a height of 60 feet, provided the building is set back from the front, rear and side lot lines a ratio of two feet for every ten feet of building height greater than 40 feet. This height requirement shall apply in addition to rear and side yard requirements set forth in this ordinance.

8.6.3. *Building appurtenances.* A chimney, parapet wall, skylight, steeple, flag pole, smokestack, cooling tower, elevator bulkhead, fire tower, monument, water tower, stack, stage tower or scenery loft, tank, ornamental tower or spire, roof garden, recreational facility, mechanical appurtenance or penthouse containing a mechanical appurtenance may exceed the height limits in this ordinance and shall not be included in building height.

8.6.4. *Planned unit developments.* The structures in a planned unit development may exceed the height limits established for the district in which the structures are located in accordance with an approved planned unit development.

8.6.5. *Airports.*

- A. Structures subject to notice under Federal Aviation Regulations shall not be constructed until it is determined by the Federal Aviation Administration that a structure will not be a hazard to aerial navigation. Applications for zoning amendments, special uses, unique uses, variations ~~uses~~ or planned unit developments which involve property located within two miles of an airport shall be forwarded by the ~~Zoning Administrator or Bureau of Administration~~ Department of Building and Zoning to the Federal Aviation Administration for review and comment. In addition, plans to construct a structure exceeding 160 feet in height, regardless of location, shall be forwarded to the Federal Aviation Administration for review and comment.
- B. Data relating to an applicant's request to construct a structure within two miles of an airport shall be made available to the Federal Aviation Administration by the Department of Building and Zoning or Bureau of ~~Administration~~ Economic Development.

## ARTICLE 9. PLANNED UNIT DEVELOPMENT

### 9.5. - Application for preliminary plan approval.

9.5.1. *Notice of application.* An applicant shall, not less than 15 days nor more than 30 days before filing an application, serve written notice, of intent to apply for a PUD by certified mail with return receipt requested, to property owners within 250 feet of the lot lines of the proposed PUD. The property owners receiving notice shall be those persons or

entities whose names appear on the Cook County tax records. For condominium developments that are located within 250 feet of the lot lines of the proposed PUD, only the condominium association shall be served with notice. The number of feet occupied by public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement. Notice need not be sent to owners more than 400 feet from the subject property when public streets, alleys and other public ways are included in the computation. In addition, the applicant shall serve notice to the clerk of each municipality within 1½ miles of the subject property, the superintendent of each local school district serving the PUD, the fire chief of each local fire protection district serving the PUD, the township clerk and the township highway commissioner for the district serving the PUD. Notice shall contain the address of the subject property, a brief statement of the nature of the application, the name and address of the applicant and a statement of the approximate date when the applicant intends to apply. If the property owner on which notice is served cannot be found or the mailed notice is returned, the notice requirements of this provision shall be deemed satisfied provided the applicant made a bonafide effort to determine the owner's address.

*9.5.2. Application and supporting documents.*

- A. An applications for a PUD shall be submitted to the Department of Building and ZoningBureau of Administration in such form and accompanied by such information as required by the Department of Building and Zoning. The applicant shall file one original and one electronic copy ~~15 copies~~ of the application and all supporting documents. The applicant shall ~~attestdisclose~~, and the ~~Bureau of Administration~~Department of Building and Zoning shall independently verify, ~~that~~ whether a judicial proceeding for a violation of any Cook County ordinance is pending pertaining to the subject property.
- B. Applicants shall ~~furnish~~ file with to the Bureau of AdministrationDepartment of Building and Zoning a sworn affidavit containing a complete list of the names and last known addresses of the persons served with notices pursuant to Section 9.5.1.. Applicants shall also furnish a written statement to the Bureau of Administration certifying compliance with the notice requirements of this ordinance.
- C. ~~Applications which fail to comply with this section shall be returned by the Bureau of Administration to applicant. The Bureau of Administration shall retain one copy of the application and supporting documents.~~
- D. Applications shall be accompanied by the following documentation:
  - 23. Statement describing the character of the PUD and the manner in which it has been designed to take advantage of the flexibility of PUD regulations and the benefits that will accrue to the public as a result of the PUD.
  - 24. Statement of planning objectives to be achieved by the PUD.
  - 25. Statement of present and proposed ownership of all land within the proposed PUD, with supporting documentation, and an affidavit certifying that there are no delinquent taxes on the whole or any part of the property.
  - 26. Development schedule indicating stages in which the proposed PUD will be built and approximate dates for beginning and completion of each construction stage.
  - 27. Proposed agreements, provisions or covenants which will govern the use,

- maintenance, operation and improvement of the proposed PUD and any of its common open space.
28. Statement indicating the density of uses including total number of dwelling units per acre, number of units by type, number of buildings by type and number of bedrooms in each building and dwelling unit type.
29. Statement detailing the type and amount of nonresidential uses including the total amount of common open space and net amount (open space which is not located in required yards or storm water management areas) of open space.
30. Statement identifying the type and location of service facilities and off-street parking facilities, including total number of parking spaces and parking spaces per sub-area.
31. Architectural plans for all primary buildings which reveal the style of the development and the building design, floor area of building types and total ground coverage of buildings.
32. Landscape plan prepared by a registered landscape architect depicting trees, plant materials, grading, excavating, berming and aesthetic features.
33. School impact study estimating the number of additional students and the financial burden the proposed PUD will have on local school districts.
34. Appraisal report prepared by an MAI appraiser demonstrating the value of the property as zoned and the value as zoned with the proposed PUD.
35. Tax impact study estimating the tax revenue to be generated by the proposed PUD and the estimated cost to various taxing bodies of providing necessary services to the PUD.
36. Traffic analysis demonstrating the adequacy of the local transportation system to handle anticipated traffic volumes generated by the proposed PUD and an analysis of the adequacy of the PUD's internal vehicular circulation system.
37. Economic feasibility study of the proposed PUD showing the need and feasibility of the proposed development.
38. Sediment and erosion control plan.
39. Report indicating the subsurface conditions on the proposed PUD land, including location and result of tests made to ascertain subsurface soil, rock and ground water conditions, depth to ground water and location and results of soil percolation tests if individual sewage disposal systems are proposed.
40. Schedule for phased development of the proposed PUD if the PUD is not intended to be established within one year. Upon approval, the development plan or schedule shall be considered as a limitation and condition on the PUD.
41. Preliminary lighting plan.
42. Survey prepared by a registered landscape architect or arborist of all trees over six inches in diameter, as measured six inches above the established grade, indicating location, species and quality.
43. Report indicating the existing and proposed pedestrian circulation system, including bicycle paths.
44. Site plan to scale depicting the following information:
  - m. Boundary lines of adjoining property within 1,000 feet of the subject property identifying parcels by PIN number, existing land use, existing zoning classification and comprehensive plan recommendation.
  - n. Location, width and purpose of easements.
  - o. Streets on and adjacent to the proposed PUD including street names, right-

- of-way widths, parking areas, existing or proposed centerline elevations, pavement types, sidewalks, curbs, gutters, culverts, paths and bike trails.
- p. Utilities on and adjacent to the proposed PUD including location, size and invert elevation of sanitary, storm and combined sewers, location and size of water mains and location of gas lines, fire hydrants, electric and telephone lines and street lights.
  - q. Ground elevations on the proposed PUD at one-foot contours with spot elevations at all breaks in grades, along all drainage channels or swales and at points of special significance.
  - r. Water courses, floodplains, floodways, wetlands, marshes, rock outcrops, wooded areas, trees six inches or more in diameter, houses, accessory buildings and other significant features.
  - s. Direction and gradient of ground slope of land within 1,000 feet of the proposed PUD including embankments or retaining walls, character and location of major buildings, railroads, power lines, towers, and other nonresidential land uses or adverse influences, platted lands with percentage of buildup, lot sizes and dwelling types.
  - t. Proposed public improvements within 1,000 feet of the proposed PUD including highways and other major improvements planned by public authorities for future construction on or near the tract.
  - u. Open space and recreational areas and facilities for public use or reserved for the use of all property owners.
  - v. Location, purpose and height of all buildings and structures.
  - w. Name of development, site planner, north point, scale, acreage of site and date of preparation.
  - x. Additional information as may be required by Cook County.

D. Applications shall be accompanied by proposed findings of fact addressing each of the standards in Section 9.5.10. (A).

E. Applications which fail to comply with this section shall be returned by the Zoning Administrator to applicant, and the accompanying application fee will be reimbursed. The Zoning Administrator may retain one copy of the application and supporting documents.

~~9.5.3. *Certification.* The Bureau of Administration shall certify that the application for preliminary plan approval is complete and that all required documentation has been submitted in full prior to scheduling a public hearing on the application.~~

~~9.5.4. *Fee.* The application shall be accompanied by a fee as established by the Cook County Board of Commissioners in order to be deemed complete.~~

9.5.4. *Verification.* The Department of Building and Zoning shall verify that the application for preliminary plan approval is complete and that all required documentation has been submitted prior to forwarding the application to the Zoning Board of Appeals, County Commissioner in whose district the property is located, and reviewing departments.

9.5.5. Disclosure. Applicants shall make the following disclosures by sworn affidavit, filed at the time of the application.

C. *Property.*

4. Applicants of property held in a land trust shall disclose the identity of each beneficiary of the trust including the name, address and percentage of interest of each beneficiary. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
5. Applicants of property owned by a partnership or association of two or more persons holding a common interest, shall disclose the name and address of each partner or associate. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
6. Applicants property owned by a corporation, shall disclose the name, address and percentage of ownership interest of shareholders owning five percent or more of the corporation. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~

D. *Applicant.*

4. Applicants acting as agents or nominees shall disclose their agency relationship and the name and address of the principals, and their interest in the subject property. If the principals are not individuals, the identity of the principals shall be disclosed in accordance with paragraph 2 below. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
5. Applicants who are a partnership or association of two or more persons holding a common interest shall disclose the name, address and percentage of ownership interest of each partner or associate having more than a five-percent interest shall be disclosed. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
6. Applicants who are corporations shall disclose the name, address and percentage of ownership interest of shareholders owning five percent or more of the corporation. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~

9.5.6. Setting hearing date. ~~Zoning Committee of Cook County Board of Commissioners.~~ An application for a PUD shall be transmitted by the Bureau of Administration to the Zoning Committee of the Cook County Board of Commissioners for its referral back to the Bureau of Administration for processing. The Bureau of Administration Department of Building and Zoning shall forward a copy of the complete application and supporting documentation to the Zoning Board of Appeals which shall thereafter set a date for public hearing. The date for public hearing shall be set to permit sufficient time for review required in Section 9.5.7.

9.5.7. Processing applications. Upon receipt of a complete application for preliminary plan approval, and at least 15 days before a scheduled hearing date, ~~the Bureau of Administration~~ Department of Building and Zoning, upon receipt of an application for preliminary plan approval from the Zoning Committee of the Cook County Board of Commissioners, shall forward a copy of the application,



including the applicant's proposed findings of fact and all supporting documentation, to the Cook County Commissioner in whose district the property is located, and shall notify the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Transportation and Highways, the Cook County Forest Preserve, the Cook County Department of Public Health and the Cook County Department of Environmental Control that a complete application, including the applicant's proposed findings of fact and all supporting documentation has been submitted and is ready for review. In addition, the Bureau of Administration shall provide notice of the availability of the application and supporting documents, for inspection and copying to the superintendents of local school districts, the fire chiefs of local fire protection districts, township highway commissioners, township clerks and municipalities within 1½ miles of the proposed PUD. The application and supporting documentation shall be forwarded to Cook County departments at least 60 days before a scheduled hearing date. Each reviewing department shall submit recommendations and comments to the Bureau of Administration at least 30 days before the scheduled hearing date.

Cook County Each reviewing departments shall examine the application and supporting documentation based upon the following, as well as similar criteria:

A. Department of Planning and Development.

1. Economic impact.
2. Community need.
3. Trend of development.
4. Demographics.
5. Property values.
6. Landscape plan.

B. Department of Building and Zoning.

1. Site plan review.
2. Land use and permit review of properties in the vicinity of the proposed use.
3. Lot size.
4. Subdivision regulations.

C. Department of Transportation and Highways.

1. Wetland mitigation and compensation.
2. Floodway and floodplain capacity and storage.
3. Drainage and detention requirements.
4. Roads, bridges, culverts, driveways, sidewalks, ingress, egress and access control.
5. Subdivision regulations.
6. Drainage, utilities, road easements and dedications.
7. Criteria from other regulatory agencies such as the Metropolitan Water Reclamation District, Illinois Department of Transportation, Illinois

Department of Natural Resources, United States Army Corps of Engineers, local fire protection agencies, and townships.

8. Erosion and sediment control requirements.

D. Forest Preserve District.

1. Compatibility of the proposed use with Forest Preserve holdings.
2. Impact on value of Forest Preserve holdings.
3. Future Forest Preserve acquisitions.

E. Department of Public Health.

1. Lot sizes for private septic systems and wells.
2. Subdivision regulations.
3. Swimming pools.
4. Public or community well and septic or sewage systems.
5. Health and safety concerns.

F. Department of Environmental Control.

1. Noise and odor regulations.
2. Soil geology and composition.
3. Wetland mitigation and compensation.
4. Discharges of effluent and particulate into the air, land and water.
5. Criteria from other regulatory agencies such as the Metropolitan Water Reclamation District, Illinois Environmental Protection Agency, Illinois Department of Natural Resources, United States Army Corps of Engineers and United States Environmental Protection Agency.

~~At least ten days prior to the scheduled hearing on the application, the Bureau of Administration shall prepare a report for the Cook County Board of Commissioners and the Cook County Zoning Board of Appeals detailing its findings and recommendations. The report shall address all technical aspects of the data and plans submitted and indicate whether the plan satisfies each of the PUD standards enumerated in this ordinance. The Cook County Department's' recommendations and comments, as well as the Bureau of Administration's report, shall be available to the applicant or its representative, upon request, for review and/or reproduction prior to the hearing date. The Bureau of Administration may, in its discretion, retain expert consultants as it deems necessary. The applicant shall reimburse Cook County for all fees and costs associated with expert consultants prior to consideration of the application by the Cook County Board of Commissioners.~~

*9.5.8. Notice of public hearing.*

- D. Time and place of a public hearing shall be published in a newspaper of general circulation in Cook County not less than 15 days before the hearing. In addition, at least 15 days before the hearing, notice of the hearing shall be posted on the property for which an application for preliminary plan approval has been filed in such a way as to be plainly visible from the street or right-of-way passing the frontage of the property. Notice posted on the property shall be maintained until

the date of hearing on a weatherproof sign that is at least three feet by four feet in size. The sign shall have a white background and contain the word "NOTICE" in red capital letters at least six inches high. The remaining lettering shall be in black capital letters a minimum of three inches in height. Notice shall contain at least the following language: "This property is the subject of a special use hearing for a PUD before the Cook County Zoning Board of Appeals on (date) at (time) at (location)."

E. Written notice shall be served by regular mail and also by certified mail, with return receipt requested, at least 15 days before the hearing, by the applicant to the clerk of each municipality within 1½ miles of the property for which the PUD application has been filed. ~~Notice shall also be sent, in the same manner, to the clerk of the township, the superintendent of each school district, the township highway commissioner, and the fire chief of the local fire protection district in which the property is located. The applicant shall also serve written notice, by certified mail with return receipt requested, to property owners within 250 feet of the lot lines of the proposed PUD, whose names appear on the Cook County tax records, as to the date, time and location of the public hearing. For condominium developments that are located within 250 feet of the lot lines of the proposed PUD, only the condominium association shall be served with notice. The notices shall contain the same information as the posted notice and shall also contain the legal description of the property, the common address of the property, the name of the applicant, the applicant's representative and a brief description of the requested PUD. In addition, notice of all hearings shall be sent to each civic or property owners' organization requesting notice of hearings on special uses. Failure to notify a civic or property owners' organization, however, shall not invalidate the hearing. Supplemental or additional notices shall be published or distributed as prescribed by Zoning Board of Appeals' rules. All required notices shall be provided at the expense of the applicant. Applicant shall submit proof of mailing for all required notices.~~

F. ~~The a~~Applicants shall be responsible for the preparation of both posted and mailed notices and shall be solely responsible for adequacy and accuracy of the information. The applicant shall also be responsible for placing and maintaining posted notice and for mailing and maintaining records of written notices. The Secretary of the Zoning Board of Appeals shall be responsible for assuring that notice by newspaper publication, ~~at the expense of the applicant,~~ is given. Supplemental or additional notices shall be published or distributed as prescribed by Zoning Board of Appeals' rules. Applicants shall also file a sworn affidavit with the Department of Building and Zoning certifying compliance with the notice requirements of this section. All required notices shall be provided at the expense of the applicant.

9.5.9. ~~Hearing.~~ The Zoning Board of Appeals shall hold ~~at least one a~~ public hearing for a proposed PUD ~~in the township in which the property is located. At the hearing, the Zoning Board of Appeals shall make the report from the Bureau of Administration a part of the record.~~ The hearing shall be conducted in accordance with Article 13 of this ordinance and the Zoning Board of Appeals' rules. An authorized representative of any Cook County department that provided comments on the application ~~and/or the Bureau of Administration~~ shall testify at the hearing if requested by the Zoning Board

of Appeals. The hearing shall take place at the Cook County Administration Building unless the Secretary of the Zoning Board of Appeals determines that the County Building has more adequate facilities for such hearing. A record of proceedings, examinations, and other official actions shall be preserved in the manner prescribed by Zoning Board of Appeals' rules. If there is a judicial proceeding for a violation of any Cook County ordinance involving the subject property, the applicant shall not be entitled to seek, and the Zoning Board of Appeals shall not grant, more than one continuance. Unless the Zoning Board of Appeals provides otherwise, the hearing shall be transcribed by a court reporter. The court reporter shall be of the applicant's choosing. Failure of the applicant to provide a transcript of the hearing(s) within 30 days following the hearing shall void the application. The deadline to submit a transcript may be extended by the Zoning Board of Appeals once, for a maximum of 30 additional days.

*9.5.10. Standards and findings of fact and recommendation of the Zoning Board of Appeals.*

A. Applicants for PUD approval shall satisfy the following standards:

16. PUD conforms with the planning objectives, policies and maps of the County as specified in the Cook County Comprehensive Land Use and Policies Plan.
17. PUD is of a type and character and contains uses that are needed in the area.
18. PUD is designed and laid out to preserve environmentally sensitive areas, natural resources, habitat and topographic features to the fullest extent possible.
19. PUD is designed in conformity with the provisions of the Cook County Subdivision Manual or any successor subdivision document.
20. PUD is designed to provide horizontal spacing between buildings which takes into consideration the purpose and objectives of this article.
21. PUD complies with the industrial performance standards enumerated in Article 6 of this ordinance if the PUD contains industrial uses.
22. PUD complies with the parking requirements enumerated in Article 11 of this ordinance.
23. PUD provides appropriate yards, setbacks and buffers between the PUD and adjacent zoning lots. The applicant shall specifically request, in writing, any ~~variation~~ variance from the required setbacks.
24. PUD has adequate utilities, access roads, drainage and other necessary facilities.
25. PUD has ingress and egress designed to minimize traffic congestion in public streets.
26. PUD and its maintenance and operation will not be detrimental to or endanger public health, safety or general welfare.
27. PUD and its maintenance and operation will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted, nor diminish and impair property values within the surrounding area.
28. PUD and its maintenance and operation will not impede the normal and orderly development and improvement of surrounding property.
29. PUD shall provide more open space than would be required in a standard subdivision.
30. PUD shall be designed to connect to existing or planned pedestrian and bicycle

systems in the vicinity.

- G. Applicants shall, within 30 days after the public hearing, prepare and submit to the Zoning Board of Appeals one original and 15 copies of proposed findings of fact addressing each of the above standards. The applicant may seek, and the Zoning Board of Appeals may grant for good cause shown, one 30-day extension of time for the applicant to submit findings of fact. The Zoning Board of Appeals shall, within seven days of receiving the applicant's proposed findings of fact, forward the proposed findings of fact to the Cook County Commissioner in whose district the property is located, the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Highways, the Cook County Forest Preserve District, the Cook County Health Department, the Cook County Department of Environmental Control, municipalities located within 1½ miles of the subject property and local school and fire protection districts. Any interested party, upon written request to the Zoning Board of Appeals, may review the applicant's proposed findings of fact. County departments, municipalities and other interested persons shall have 30 days from receiving the applicant's proposed findings of fact to file a written response with the Zoning Board of Appeals.
- H. Recommendations and comments of the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Highways, Cook County Forest Preserve District, the Cook County Health Department, the Cook County Department of Environmental Control, municipalities located within 1½ miles of the subject property and local school and fire protection districts shall be considered and addressed in writing by the Zoning Board of Appeals in its findings and recommendations. The Secretary of the Zoning Board of Appeals shall forward the findings of fact and recommendations to be forwarded to the Cook County Board of Commissioners.
- I. Written findings of fact and recommendations to approve or deny the application shall be made by the Zoning Board of Appeals within 60 days after receipt of the applicant's proposed findings of fact on the PUD the hearing and shall be submitted to the Cook County Board of Commissioners. Recommendations and comments of the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Transportation and Highways, Cook County Forest Preserve District, the Cook County Health Department, the Cook County Department of Environmental Control, municipalities located within 1½ miles of the subject property and local school and fire protection districts shall be considered and addressed in writing by the Zoning Board of Appeals in its findings and recommendations. The findings and recommendations shall include a statement indicating the extent to which the proposed PUD departs from zoning, subdivision and other regulations applicable to the property and the reasons why a departure is or is not in the public interest. The 60-day period may be extended by the Zoning Board of Appeals once, for no more than a maximum of 90 additional days if the Zoning Board of Appeals granted an extension pursuant to this article. Failure of the applicant to provide a transcript of the hearing(s) within 60 days following the hearing shall void the application.

J. Recommendation for approval of the preliminary PUD plan shall not be made by the Zoning Board of Appeals unless it makes written findings of fact that the proposed use satisfies each of the PUD standards and is in the best interest of the public. ~~In all cases the Zoning Board of Appeals' recommendations to the Cook County Board of Commissioners are advisory only.~~

K. The Zoning Board of Appeals may recommend; the imposition of conditions and restrictions upon preliminary plan approval; ~~variance~~departure from the general provisions, regulations and standards of this article; and/or ~~variance~~departure from any of the applicable district regulations when it deems a departure is in the public interest. In all cases, the Zoning Board of Appeals' recommendations to the Cook County Board of Commissioners are advisory only.

*9.5.11. Action by the Cook County Board of Commissioners.*

E. ~~The Cook County Board of Commissioners may approve or deny, by motion, an application for preliminary plan approval. Failure of the Cook County Board of Commissioners to shall take action within 60 days of receiving the Zoning Board of Appeals' findings and recommendations shall operate as a denial of an application for preliminary plan approval. The 60-day period may be extended if a request for an extension is made by the applicant or by a Cook County Board Commissioner and is granted by the Board of Commissioners.~~

F. The Cook County Board of Commissioners has the authority to: impose conditions and restrictions upon preliminary plan approval; depart from the general provisions, regulations and standards of this article; and/or depart from any of depart from strict conformance with the requirements and standards enumerated in this article; vary the applicable district regulations; and impose conditions and restrictions upon the PUD application when it deems a departure is in the public interest.

G. Applications for preliminary plan approval shall be approved by a favorable vote of three-quarters of all members of the Cook County Board of Commissioners in cases where the Zoning Board of Appeals has not recommended adoption at a proposed PUD or when a written protest against the proposed PUD has been received in accordance with Article 13.

H. Approval of the preliminary plan and satisfaction of any conditions and restrictions imposed by the Cook County Board of Commissioners shall be conditions precedent to submission of an application for PUD ordinance.

I.

*9.6. - Final Plan Approval.*

*9.6.1. Application and supporting documents.* The applicant shall, within one year from the date of preliminary plan approval, submit an application for PUD ordinance to the ~~Bureau of Administration~~ Department of Building and Zoning. The applicant shall submit one original and ~~15 copies of the~~ application and the following supporting documents:

- A. Final PUD plat, suitable for recording with the Cook County Recorder of Deeds, which includes the following information:
  - 1. Designation of lots and the division of all other property, including common open areas and building sites. If property within a final plat is to be subdivided, a subdivision plat is also required.
  - 2. Final site plans including legal description of all lots and each separate, unsubdivided area, including common open space, within the PUD.
  - 3. Exact location of all buildings, structures, streets, drives, parking lots, sidewalks, drainage and utility easements, detention easements and conservation easements, landscaping and other proposed site improvements.
  - 4. Final architectural plans setting forth the type and style of construction and materials to be used in proposed buildings, including the height and area of each building.
  - 5. Certificates, seals and signatures necessary for dedicating property and recording the final plat.
  - 6. Tabulation of separate unsubdivided use area, land area, number of buildings, number of dwelling units and dwelling units per acre.
  - 7. Final landscape architectural plans and specifications.
  - 8. Final lighting plans and specifications.
  - 9. Signage plans.
- J. Common open space documents which verify that common open space will be permanently preserved and streets, walkways and common spaces will be maintained and repaired in perpetuity. Common open space shall be either conveyed to a municipal or public corporation, to a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents or retained by the applicant with legally binding guarantees providing for perpetual maintenance, operation, improvements and repairs. All property conveyed to a not-for-profit corporation, or like entity, shall be subject to the right of the corporation or entity to impose a legally enforceable lien on all property within the PUD for maintenance and improvement of the common open space.
- K. Final construction engineering plans, signed and sealed by an Illinois licensed professional engineer, for public facilities and improvements approved by the Cook County Highway Department. Public facilities and improvements shall be constructed upon approval of the PUD ordinance and a construction performance bond shall be posted to guarantee construction of required infrastructure. The performance bond shall be payable to Cook County and be sufficient to cover the full cost of the facilities and improvements plus 15 percent.
- L. Detailed plans signed and sealed by an Illinois licensed professional engineer for the construction and installation of site amenities, including buildings, lakes and other site improvements.
- M. Final construction schedule which shall include the projected completion date of the entire project and completion dates of any intermediate phases of the development.
- N. Statement indicating current ownership of the property and information regarding intent to sell all or portions of the development.

- O. Detailed plans depicting the size and location of dedicated parkland and school sites or the amount of any cash contribution to the local park and school district.
- P. Proof from the Cook County Clerk's Office in the [event] that no delinquent taxes exist on any portion of the property.
- Q. Final agreements, provisions or covenants which will govern the perpetual maintenance, operation and improvements of the PUD. These documents shall be recorded at the same time as the final PUD plat.

9.6.2. *Fee.* An application for PUD ordinance shall be accompanied by a fee established by the Cook County Board of Commissioners.

9.6.3. *Department reviews.* ~~The Bureau of Administration~~ Zoning Board of Appeals shall forward one copy of the application for PUD ordinance, plat and supporting documents to the Cook County Commissioner in whose district the property is located, the Cook County Department of Planning and Development, the Cook County Zoning Board of Appeals, the Cook County Department of Transportation and Highways, the Forest Preserve District, the Cook County Department of Public Health, the Cook County Department of Environmental Control and the Cook County Plat Officer for certification that the PUD, plat and supporting documents are in substantial conformance with the approved preliminary plan and other sections of this ordinance. The departments shall have ~~307~~ days from receipt of the application for PUD ordinance to furnish the ~~Bureau of Administration~~ Zoning Board of Appeals with their ~~written~~ comments. Upon receipt of the comments ~~from the departments~~, the ~~Bureau of Administration~~ Zoning Board of Appeals shall make them available to the applicant or its representative upon request, and allow the applicant or its representative to submit a response within 15 days. ~~The Zoning Board of Appeals shall, within 30 days,~~ certify whether the application for final plan approval and supporting documents are in substantial compliance with the approved preliminary plans and shall provide a recommendation to approve or deny the application to the Zoning Committee of the Cook County Board of Commissioners within 30 days after receiving the comments from the departments. ~~The applicant or its representative may, within the same 30-day period, review the various Cook County department comments and submit a response to the Bureau of Administration.~~

9.6.4. *Preparation of ordinance.* ~~The Bureau of Administration~~ Zoning Board of Appeals shall, when all conditions and procedures have been satisfied, prepare the PUD ordinance which shall address the standards of this article and any conditions imposed on the PUD. If a map amendment is recommended in connection with the PUD, the ~~Bureau of Administration~~ Zoning Board of Appeals shall include a separate section in the PUD ordinance which shall address the map amendment standards contained in Article 13 and any conditions to be imposed on the map amendment. The ~~Bureau of Administration~~ Zoning Board of Appeals shall forward the proposed PUD ordinance to the Zoning Committee of the Cook County Board of Commissioners.



*9.6.5. Action by the Cook County Board of Commissioners.* The Cook County Board of Commissioners may approve or deny the proposed PUD ordinance. The failure of the Cook County Board to shall take action within 60 days of receiving the proposed ordinance from the ~~Bureau of Administration~~ Zoning Board of Appeals shall operate as a denial. ~~The 60-day period may be extended if a request for an extension is made by the applicant or a Cook County Board Commissioner and is granted by the Board of Commissioners.~~ A favorable vote of three-quarters of all members of the Cook County Board of Commissioners shall be required when a written protest to the application for preliminary plan was filed pursuant to Article 13.

*9.6.6. Conditions and restrictions.* The Cook County Board of Commissioners may, by ordinance, impose conditions and restrictions on a PUD to assure compliance with the standards and requirements of this ordinance. In addition, the Cook County Board may require evidence and guarantees to ensure that the applicant complies with the conditions of the PUD. Failure of the applicant to comply with conditions or restrictions shall constitute a violation of this ordinance.

*9.6.7. Recordation.* The applicant, upon adoption of a PUD ordinance, shall record the PUD plat, common open space documents, dedications, agreements, provisions or covenants with the Cook County Recorder of Deeds. Recording the PUD plat and supporting documents shall constitute notice of the restrictions placed upon the property and act as a zoning control device.

*9.6.8. Building permits.* The Department of Building and Zoning may not issue building permits until the PUD plat and supporting documents have been recorded with the County Recorder of Deeds. The applicant shall present proof of recording to the Cook County Department of Building and Zoning. Construction authorized by a building permit shall be in full conformance with the recorded PUD plat. Failure of the applicant to develop and construct the PUD according to the PUD ordinance shall constitute a violation of the zoning ordinance.

#### 9.7. - Changes in an approved PUD.

A change to an approved PUD shall be made as follows:

##### *9.7.1. Major and minor changes.*

- A. Changes to the PUD which alter the concept, intent, standards or conditions of the PUD established by the preliminary plan, and/or the PUD ordinance, shall be construed by the Zoning Board of Appeals as a major modification necessitating reconsideration of the PUD. Where a major modification is sought, the applicant shall make application to the ~~Bureau of Administration~~ Department of Building and Zoning for an amendment to the preliminary plan and/or PUD ordinance. The application shall be processed in accordance with the procedures established for review and approval of the preliminary plan. The documentation required to be submitted by the applicant shall be sufficient to provide for review of the proposed amendment. The ~~Bureau of Administration~~ Department of Building and Zoning

shall be authorized to determine the sufficiency of the documentation submitted in support of the proposed amendment and to require such additional documentation deemed necessary to review the application for amendment. The amendment to the preliminary plan and/or PUD ordinance shall otherwise be processed as an original application subject to all notices, reviews, hearings and approvals required by this article.

1. A major change to an approved PUD is a change to the approved site plan and supporting maps and materials that ~~alters~~results in any of the following elements:
    - h. An increase in density for any phase of the development or for the entire development;
    - i. An increase in the approved floor area ratio;
    - j. A reduction in the approved landscape material in quantity or in size of material;
    - k. An increase in building height;
    - l. A change in the type of dwelling unit;
    - m. A reduction in the amount of open space or a change in the location of the open space; or
    - n. Any change in the approved site plan which results in moving a building more than 20 feet.
  2. All other changes shall be construed as minor changes and shall be reviewed and approved by the ~~Bureau of Administration~~ Department of Building and Zoning.
- B. The Zoning Board of Appeals shall make a recommendation to the Zoning and Building Committee of the County Board regarding whether a plan with a major change shall be approved or denied, with final approval by the Board of Commissioners.
- C. Changes to the approved phasing schedule:
1. In the event the petitioner/developer anticipates a time delay in meeting the completion date for any or all of the phases of the planned unit development, the applicant may file a written request to the Chairman of the Committee on Zoning and Building of the Cook County Board of Commissioners at least 20 days prior to the expiration of said completion date.
  2. The Zoning and Building Committee will review and may recommend to the President and Board of Commissioners an extension of said completion date for any length of time as deemed justifiable by the President and Board of Commissioners.
  3. Should an approved PUD fail to meet any portion of its improvement/phasing schedule, the ~~Bureau of Administration~~ Department of Building and Zoning shall review the circumstances and recommend one of the following actions to the Committee on Zoning and Building of the Cook County Board of Commissioners, with final approval by the Board of Commissioners:
    - a. ~~That the~~The use for the entire area be continued with a revised time schedule;
    - b. ~~That the~~The PUD be revoked and the property be appropriately

- rezoned; or
- c. ~~That a~~ new public hearing by the Zoning Board of Appeals be scheduled on the PUD in accordance with the procedures for preliminary PUD approval.

#### 9.8. - Reversion and extension.

*9.8.1. Reversion.* For purposes of this section, issuance of a building permit for any phase of development shall establish the PUD. The applicant's failure to apply for a building permit within one year of adoption of the PUD ordinance shall, without further action, cause the PUD ordinance to be null and void. With respect to a map amendment approved in conjunction with a PUD ordinance, the applicant's failure to apply for a building permit within one year of adoption of the PUD ordinance shall, without further action, cause the the map amendment shall to be null and void and the property shall to revert to its zoning classification immediately prior to the PUD application.

*9.8.2. Extension.* The applicant may apply for an extension of the one-year application period prescribed in Sections 9.6.1 and 9.8.1. The applicant is limited to one 12-month extension under each section. An application for extension shall be filed with the ~~Bureau of Administration~~ Department of Building and Zoning before the expiration of the applicable time period and shall be accompanied by a fee established by the Cook County Board of Commissioners. The ~~Bureau of Administration~~ Department of Building and Zoning may recommend, and the Cook County Board of Commissioners may approve, the application for an extension for good cause shown. Failure to apply for an extension in the time prescribed shall render the application null and void.

### ARTICLE 13. ADMINISTRATION AND ENFORCEMENT

#### 13.3. - Zoning Board of Appeals.

*13.3.1. Membership.* The Zoning Board of Appeals shall be composed of seven members: five voting members who shall be appointed by the President of the Cook County Board of Commissioners with the advice and consent of the Cook County Board of Commissioners; and two ex-officio, nonvoting members, consisting of the Chairman of the ~~Building and Zoning and Building~~ Committee of the Cook County Board of Commissioners and the ~~Chief Administrative Officer~~ Chief of the Bureau of Economic Development of Cook County. Ex-officio members may be represented by a designee at any hearing or meeting of the Zoning Board of Appeals. As of June 1, 2013, voting members shall receive compensation of \$500.00 per official meeting of the Zoning Board of Appeals where the member participates in person or by viewing a record of proceeding where action is required not to exceed \$12,000.00, with no other fringe or pension benefits, and an allowance for expenses as provided by the Cook County Board of Commissioners in its annual appropriation Ordinance. The Zoning Board of Appeals shall report the number of official meetings it has conducted on a quarterly basis to the Cook County Board of Commissioners. Members of the Zoning Board of Appeals serving at the time of adoption of this ordinance shall serve for the remaining term of their appointments, or until their respective

successors are appointed. All new and renewed terms of office for Zoning Board of Appeals members shall be for five years.

One of the members of the Zoning Board of Appeals shall be designated by the President of the Cook County Board of Commissioners with the advice and consent of the Cook County Board of Commissioners as Chairman of the Zoning Board of Appeals, and shall hold office until a successor is appointed. The President of the Cook County Board of Commissioners with the advice and consent of the Cook County Board of Commissioners shall have the power to remove for cause any member of the Zoning Board of Appeals. Vacancies on the Zoning Board of Appeals shall be filled by appointment of the President of the Cook County Board of Commissioners with the advice and consent of the Cook County Board of Commissioners for the unexpired term of the member whose position has become vacant.

*13.3.2. Jurisdiction.* The Zoning Board of Appeals is vested with the following jurisdiction and authority:

- J. Hear and decide appeals from any order, requirement, decision or determination made by the Department of Building and Zoning under this ordinance.
- K. Hear and make recommendations to the Cook County Board of Commissioners on applications for authorized variationsences, on variationsences from any quantitative requirement of this ordinance, and for all applications referred by the Department of Building and Zoning or the Cook County Board of Commissioners.
- L. Hear applications for special uses, planned unit developments, map amendments and unique uses as set forth in this ordinance. The Zoning Board of Appeals shall report its findings and recommendations to the Cook County Board of Commissioners.
- M. Conduct hearings at the request of the Cook County Board of Commissioners for map amendments to this ordinance and make recommendations to the Board of Commissioners.
- N. Conduct hearings at the request of the Cook County Board of Commissioners for text amendments to this ordinance and make recommendations to the Board of Commissioners.
- O. Conduct hearings at the request of the Cook County Board of Commissioners for amendments to the Cook County Comprehensive Land Use and Policies Plan and make recommendations to the Board of Commissioners.
- P. Initiate, direct and review studies of this ordinance and make recommendations to the Zoning and Building Committee of the Cook County Board of Commissioners.
- Q. Hear and decide matters as set forth in this ordinance and matters referred to it by the Cook County Board of Commissioners.

- R. Duties as the Cook County Board of Commissioners shall by ordinance, resolution or direction provide.

*13.3.3. Meetings and rules.* The meetings of the Zoning Board of Appeals shall be held at the call of the Chairman at such times as the Zoning Board of Appeals may determine. Hearings conducted by the Zoning Board of Appeals shall be considered public meetings under the Illinois Open Meetings Act and shall be held in conformance with the Illinois Open Meetings Act. Ex-officio members, or their designees, may fully participate in meetings, but shall not vote on any matters before the Zoning Board of Appeals. For purposes of conducting a public meeting, a quorum of four members shall be present in person at the meeting, and two of the four members present may be ex-officio members or their designees. For purposes of conducting a vote at a public meeting, three voting members must be present in person at the meeting. Any person may appear and testify at a hearing. The Chairman or Acting Chairman may administer oaths and subpoena witnesses. The Zoning Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon each question. If any voting member is absent or fails to vote, that shall be reflected in the minutes. Zoning Board of Appeals voting members may not vote by proxy. Records shall be kept of all hearings and other official actions of the Zoning Board of Appeals. Applications, exhibits and all documents filed by applicants, as well as transcripts of hearings if provided, meetings, testimony and deliberations, shall constitute the record of the Zoning Board of Appeals. The Secretary of the Zoning Board of Appeals shall be the keeper of the records. The Zoning Board of Appeals shall adopt its own rules and procedures, not in conflict with this ordinance or with applicable State of Illinois Statutes, and may select or appoint such officers as it deems necessary. A copy of every rule, regulation, amendment, order, requirement, decision or determination of the Zoning Board of Appeals shall be filed immediately with the Department of Building and Zoning and shall be a public record.

*13.3.4. Decisions.* The decisions and findings of the Zoning Board of Appeals, except as provided in 13.3.5, shall be final administrative decisions and shall be subject to review as provided by law.

*13.3.5. Appeals from decisions of the Zoning Administrator.*

The Zoning Board of Appeals shall hear and decide appeals from an administrative order, requirement or determination of the Department of Building and Zoning under this ordinance.

An appeal may be taken to the Zoning Board of Appeals by any person or entity or by any officer, department, board or bureau aggrieved by a decision of the Department of Building and Zoning under this ordinance. An appeal shall be taken within 35 days after the date of the Department of Building and Zoning's decision by filing with the Zoning Administrator and the Zoning Board of Appeals a notice of appeal specifying the grounds for the appeal. Notice of appeal shall be given to all persons or entities entitled to receive notice as provided by Section 13.7.3.

The Zoning Board of Appeals shall select a reasonable time and place for hearing an appeal and give notice to the aggrieved person or entity and the Department of Building and Zoning. The hearing shall take place within 30 days after the Zoning Board of Appeals receives notice of appeal.

The Zoning Board of Appeals shall render a written decision on the appeal within 30 days after the hearing. The Zoning Board of Appeals shall forward its decision to all

parties of record. The Zoning Board of Appeals may affirm, reverse, wholly or in part, or modify a decision of the Department of Building and Zoning. A written decision of the Zoning Board of Appeals shall contain findings of fact which support its decision. If the Zoning Board of Appeals affirms the decision of the Department of Building and Zoning, the decision of the Zoning Board of Appeals is a final administrative determination and shall be subject to review as provided by law.

If the Zoning Board of Appeals reverses the decision of the Department of Building and Zoning, the Department of Building and Zoning has the right to appeal the Zoning Board of Appeals' decision to the Cook County Board of Commissioners. The matter shall be heard upon the record of the Zoning and Building Committee, or a subcommittee, ("Committee") of the Cook County Board of Commissioners. No additional testimony shall be taken and no additional documents shall be filed. The Committee shall provide notice of its hearing of an appeal as provided in this section. The Committee may affirm, reverse, wholly or in part, or modify the decision of the Zoning Board of Appeals.

If the Committee reverses the Zoning Board of Appeals, the decision of the Committee shall be a final administrative determination and shall be subject to review as provided by law. The Secretary of the Zoning Board of Appeals shall maintain complete records of all actions relative to appeals.

*13.3.6. Secretary of the Zoning Board of Appeals.*

- C. The Secretary of the Zoning Board of Appeals shall be appointed by the President of the Cook County Board of Commissioners.
- D. Duties of the Secretary of the Zoning Board of Appeals shall be as follows:
  - 4. Maintain records of the Zoning Board of Appeals.
  - 5. Forward to the County Board of Commissioners final findings of fact and recommendations of the Zoning Board of Appeals for map amendments and special uses and such other matters under this ordinance which require consideration or action by the Cook County Board of Commissioners.
  - 6. Administer duties which may be delegated to the Secretary by the Cook County Board of Commissioners and the Zoning Board of Appeals.

*13.4. – Building permits/zoning certificates.*

*13.4.1. Application.* An application for a building permit shall be deemed an application for a zoning certificate. An application shall be accompanied by the following:

- C. Plat of survey, ~~in triplicate~~, drawn to scale and showing actual dimensions of lots and blocks, as required by the Department of Building and Zoning. The plat shall be dated within the prior ~~six-month~~ five year period and it shall be certified by a land surveyor licensed by the State of Illinois as a true copy of the property according to the registered or recorded plat of subdivision.
- D. Site plan signed and sealed by a registered professional engineer in the State of Illinois, in triplicate, drawn to scale in such form as may be prescribed by the Department of Building and Zoning. The site plan shall show the ground area, height and bulk of the building or structure, building lines in relation to lot lines, use to be made of the building, structure or land and such other information as may be required by the Department of Building and Zoning.

*13.4.2. Procedure.* A copy of each plat of survey and site plan shall be attached to the application for a building permit when it is submitted to the Department of Building and Zoning for zoning certification. The Department of Building and Zoning shall retain the application, attached plats and plans as public records.

13.6. – Variations~~nces~~.

*13.6.1. Purpose.* In order to provide a streamlined approval process for minor modifications of selected zoning standards, the Zoning Administrator is hereby given the authority to review and approve applications for variances of ten percent or less of the regulations as to location of structures or as to bulk requirements without referral to the Zoning Board of Appeals and without a public hearing in accordance with this ordinance. The Zoning Board of Appeals, after a public hearing, shall recommend to the Cook County Board of Commissioners to grant or deny all other authorized variations~~nces~~ under this ordinance. In making a recommendation to grant a variance, the Zoning Board of Appeals shall make findings of fact in accordance with standards prescribed in this ordinance for variations~~nces~~, and shall also find that there are practical difficulties or particular hardships which prevent the applicant from strictly following regulations of this ordinance.

*13.6.2. Application, hearing, and notice of hearing.*

*A. Notice of application.* Applicants shall, not less than 15 days nor more than 30 days before filing an application, serve written notice of intent to apply for a variance by certified mail with return receipt requested, to the property owners of adjoining lots, whose names appear on the Cook County tax records. For condominium developments that are located on adjoining lots, only the condominium association shall be served with notice.

*B. Application.* An application for a variation~~nce~~ shall be filed in triplicate with, and shall contain such information as required by, the Department of Building and Zoning. Electronic submission of application and supporting documents shall be encouraged. Applications for sign variances will also require the submittal of one detailed, signed and sealed architectural drawing of the proposed sign and a detailed sketch and/or rendering of the sign. Applicants shall file with the Department of Building and Zoning a sworn affidavit containing a complete list of the names and last known addresses of the persons served with notice pursuant to 13.6.2 (A). In addition, the applicant shall file a sworn affidavit containing a complete list of the names and last known addresses of the owners of properties on lots lying within 150 feet of the property lines of the lot for which the variance is sought with his or her variance application, whose names appear on the Cook County tax records. Only the name and last known address of the condominium association shall be required for condominium developments that are located within 150 feet from the subject property. The Zoning Administrator shall reject applications for variations~~nces~~ which do not comply with the provisions of this ordinance. Applications for sign variances will also require the submittal of one detailed, signed and sealed architectural drawing of the proposed sign and a detailed sketch and/or rendering of the sign. A copy of each application for variance which complies with the provisions of this ordinance shall be forwarded by ~~t~~ The Department of Building and Zoning shall forward one copy of the

application to the Cook County Board Commissioner in whose district the property is located. ~~The application shall contain such information as required by the rules of the Department of Building and Zoning.~~

C. Notice of Hearing. Notice of the time and place of a public hearing for all variance applications, except those which the Zoning Administrator intends to grant pursuant to Section 13.6.9 of this article, shall be published by the Zoning Board of Appeals ~~at least~~ once, not less than 15 days nor more than 30 days, before the hearing in a newspaper of general circulation in Cook County. The published notice may be supplemented by additional notice as required by the rules of the Zoning Board of Appeals. In addition, written notice of public hearings, including the reference number assigned by the Zoning Board of Appeals, and the place, date, and time of the hearing shall be given not less than seven days or more than 45 days before the hearing, by the Zoning Board of Appeals shall be as follows: A. ~~Notices shall be given to the clerk of each municipality within 1½ miles of the subject property current real estate tax assesses, as shown on the records of the County Tax Collector, and to all persons whose names are listed on mailboxes, doorbells or signs on lots lying within 150 feet of the property lines of the lot for which the variation is sought in the sworn affidavit filed by the applicant with his or her variance application. When a condominium development is within 150 feet of the subject property, a~~ Notice need only be sent to the condominium association of condominium developments that are located within 150 feet from the subject property. In addition, the applicant shall serve notice to the clerk of each municipality within 1½ miles of the subject property. B. ~~Notices should be in writing and shall give the variation number assigned by the Zoning Board of Appeals, the place, date and time of the hearing and shall be given not less than seven days nor more than 45 days before the hearing. The applicant shall file a sworn affidavit containing a complete list of the names and last known addresses of the owners of the properties and other entities required to be served. The Zoning Board of Appeals shall maintain a record of the method of service, and the names and last known addresses of the persons served with copies of the notice. The affidavit shall create a presumption that notice was given as required.~~

D. Hearing. The Zoning Board of Appeals shall hold ~~at least one~~ a public hearing on each application for a variance, except those which the Zoning Administrator intends to grant pursuant to Section 13.6.9 of this article. An authorized representative of any County department that provided comment on the application shall testify at the hearing if requested by the Zoning Board of Appeals. The hearing shall take place at the Cook County Administration Building unless the Secretary of the Zoning Board of Appeals determines that the County Building has more adequate facilities for such hearing. A record of proceedings, examinations, and other official actions shall be preserved in the manner prescribed by Zoning Board of Appeals' rules. However, the hearing will not be transcribed by a court reporter unless requested by the Zoning Board of Appeals or another interested party, and in that case the cost of the transcription must be borne by the person requesting it. If there is a judicial proceeding for a violation of any Cook County ordinance involving the subject property, the applicant shall not be entitled to seek, and the Zoning Board of Appeals shall not grant, more than one continuance.



*13.6.3. Standards.* The Zoning Board of Appeals shall not recommend to the Board of Commissioners that it grant or deny a variance, unless the Zoning Board of Appeals first makes written findings of fact on each of the following standards based upon evidence presented:

- G. Physical surroundings, shape or topographical condition of the property would result in hardship upon the owner, as distinguished from a mere inconvenience, if the provisions of this ordinance were followed.
- H. Conditions which are unique to the property exist and are not applicable to other properties within the same zoning classification.
- I. ~~Variation~~ sought is not based exclusively upon a desire to make the property more profitable.
- J. Hardship or alleged difficulty is caused by this ordinance and not by any person presently having an interest in the property.
- K. ~~Variation~~ will not be detrimental to the public welfare or injurious to other properties or improvements in the neighborhood.
- L. ~~Variation~~ will not impair an adequate supply of light and air to adjacent properties, substantially increase congestion in the public streets, increase the danger of fire, cause increased flooding risk to adjacent property, endanger public safety or substantially diminish or impair property values within adjacent neighborhoods.

*13.6.4. Conditions and restrictions.* The Zoning Board of Appeals may recommend to the Board of Commissioners such conditions and restrictions upon the premises benefited by a ~~variation~~ as may be necessary to reduce or minimize the effect of the ~~variation~~ upon other properties in the neighborhood and to better carry out the general intent of this ordinance. Failure of the applicant to comply with conditions and restrictions imposed shall constitute a violation of this ordinance.

*13.6.5. Authorized ~~variations~~nces.* A ~~variation~~ from the regulations of this ordinance may be granted by the Cook County Board of Commissioners only in the following instances and in accordance with standards set forth in this ordinance:

- L. Permit a yard or setback less than the yard or setback required by this ordinance.
- M. Permit the use of a lot or lots for a use which is otherwise prohibited solely because of the insufficient area or width of the lot or lots. The Cook County Board of Commissioners shall not grant a ~~variation~~ which results in the division of a conforming lot or lots into ~~two or more~~ any nonconforming lots. The Cook County Board of Commissioners shall not allow a lot less than 40,000 square feet to be used for an individual septic system and water supply system, unless the Cook County Department of Public Health has approved the systems.
- N. Permit the same off-street parking facility to qualify as a facility for two or more uses, provided the substantial use of the facility by each user does not take place at the same hours of the same days of the week.

- O. Reduce required off-street parking or off-street loading facilities.
- P. Increase the maximum distance that required parking spaces are permitted to be located from the use served.
- Q. Increase dimensions or square footage of signs as provided in Article 12 and Ordinance No. 02-O-05.
- R. Increase the maximum gross floor area of any use required by this ordinance.
- S. Grant ~~variations~~variances for property located in a floodplain in accordance with the Floodplain Ordinance for Cook County, Illinois.
- T. Reduce lot size when property has been diminished in size by eminent domain or by a conveyance in lieu of an eminent domain proceeding.
- U. Grant height ~~variations~~variances for freestanding cellular tower facilities as provided in Ordinance No. 01-O-32. No height ~~variation~~variance for a cellular radio facility which is attached to or installed on a building shall be allowed.
- V. Grant height ~~variations~~variances for fences.

All other requests for variances shall be denied.

*13.6.6. Recommending ~~variations~~variances.* A majority vote of three of the five voting members of the Zoning Board of Appeals is required to recommend to the Cook County Board of Commissioners to grant or deny a ~~variation~~variance. No decision of the Cook County Board of Commissioners granting a ~~variation~~variance shall be valid for more than one year, unless a building permit is obtained and construction of the building or the use commenced.

*13.6.7. Action by the Cook County Board of Commissioners.*

- E. Final action shall not be taken by the Cook County Board of Commissioners on an application for a ~~variation~~variance until the Zoning Board of Appeals' findings of fact and recommendations have been received.
- F. ~~Variations~~variances shall be approved by a favorable vote of three-quarters of all members of the Cook County Board of Commissioners in cases where the Zoning Board of Appeals has not recommended approval of a proposed ~~variation~~variance or where there has been a written protest filed against a proposed ~~variation~~variance in accordance with Section 13.13 of this ordinance.
- G. Applications for ~~variations~~variances shall be deemed denied if ~~t~~The Cook County Board of Commissioners has not ~~shall~~ taken final action within 60 days of receiving the Zoning Board of Appeals' findings and recommendations. ~~The 60-day period may be extended if a request for an extension is made by~~

~~the applicant.~~

- H. The Cook County Board of Commissioners may impose conditions and restrictions upon a ~~variation~~ variance in order to assure that the public health, safety and welfare is adequately protected.

*13.6.8. Effect of denial.* An application for a ~~variation~~ variance which has been denied wholly or in part by the Cook County Board of Commissioners shall not be resubmitted for a period of one year from the date of the denial, except on grounds of new evidence or proof of changed conditions found to be valid by the Zoning Board of Appeals.

*13.6.9. Administrative Adjustments.* An application for a variance of ten percent or less of the regulations as to location of structures or as to bulk requirements may be granted by the Zoning Administrator without referral to the Zoning Board of Appeals and without a public hearing provided that:

- G. The Zoning Administrator has not granted an application for variance of ten percent or less of the regulations as to location of the same or similar structure or bulk requirements submitted by the same applicant in the past 5 years from the date of application;
- H. Proof of compliance with the notice requirements to owners of the adjoining properties is submitted by the applicant, in accordance with the rules of the Department of Building and Zoning;
- I. No objection is submitted by the owners of the adjoining properties, in accordance with the rules of the Department of Building and Zoning;
- J. The Zoning Administrator finds that the variance sought eliminates an unnecessary inconvenience to the applicant and will have no appreciable adverse impact on the health, safety, or general welfare of adjoining property owners or the general public;
- K. A copy of the application is forwarded to the Cook County Board Commissioner in whose district the property is located with a notice of intent to grant the variance without referral to the Zoning Board of Appeals and without a public hearing; and
- L. No objection is submitted by the Cook County Board Commissioner in whose district the property is located within 14 days of the date of the notice of intent to grant the variance.

If any of the above conditions are not met, the Zoning Administrator shall refer the application for variance to the Zoning Board of Appeals.

In granting an application for a variance of ten percent or less of the regulations as to location of structures or as to bulk requirements, the Zoning Administrator may impose conditions and restrictions upon a variance sought under this Section in order to assure that the public health, safety and welfare is adequately protected. No decision of the Zoning Administrator granting a variance shall be valid for more than one year, unless a building

permit is obtained and construction of the building or the use commenced.

13.7. - Map amendments.

*13.7.1. Authority.* The districts established by this ordinance may be amended by the Cook County Board of Commissioners. No map amendment shall be made without consideration of existing conditions, property values, trends of development and uses to which property is devoted.

*13.7.2. Initiation.* A map amendment may be proposed by the President or a member of the Cook County Board of Commissioners or by any person or entity having an interest in the subject property. A map amendment shall be initiated as provided in this article.

*13.7.3. Notice of application.* An applicant shall, not less than 15 days nor more than 30 days before filing an application, serve written notice, of intent to apply for a map amendment by certified mail with return receipt requested, to the property owners within 250 feet of the lot lines of the subject property. ~~The property owners receiving notice shall be those persons or entities whose names appear on the Cook County tax records. For condominium developments that are located within 250 feet of the lot line of the subject property, only the condominium association shall be served with notice.~~ The number of feet occupied by public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement. Notice need not be sent to owners more than 400 feet from the subject property when public streets, alleys and other public ways are included in the computation. In addition, the applicant shall serve notice to the clerk of each municipality within 1½ miles of the subject property, the superintendent of each local school district, the fire chief of each local fire protection district, the township clerk and township highway commissioner. When the applicant is either the President or a member of the Cook County Board of Commissioners, notice shall be served in accordance with this section, by the Zoning Board of Appeals. Notice shall contain the address of the subject property, a brief statement of the nature of the application, the name and address of the applicant and a statement of the approximate date when the applicant intends to apply. If the property owner on which notice is served cannot be found, or the mailed notice is returned, the notice requirements of this provision shall be deemed satisfied provided the applicant made a bonafide effort to determine the owner's address.

*13.7.4. Application.*

- A. An ~~a~~ Applications for a map amendment shall be submitted to the Department of Building and Zoning in such form and accompanied by such information as required by the Department of Building and Zoning. The applicant shall file one original and one electronic copy ~~15 copies~~ of the application and all supporting documents. The applicant shall include a written statement and evidence establishing that the proposed map amendment will conform to the standards set forth in this article. The applicant shall ~~attest~~ disclose, and the Department of Building and Zoning shall independently verify, ~~that now~~ whether a judicial proceeding for a violation of any Cook County ordinance is pending pertaining to the subject property.

- E. Applicants shall ~~furnish to file with~~ the Department of Building and Zoning a sworn affidavit containing a complete list of the names and last known addresses of the persons to be served with notice pursuant to 13.7.3. Applicant(s) shall also ~~furnish a written statement to the Department of Building and Zoning certifying compliance with the notice requirements of this ordinance.~~
- F. ~~Notices, as set forth in this article, shall be served by the Secretary of the Zoning Board of Appeals when the applicant is either the President or a member of the Cook County Board of Commissioners. Notice shall be served not less than 15 days nor more than 30 days before a scheduled public hearing.~~
- G. Applications shall be accompanied by proposed findings of fact addressing each of the standards in Section 13.7.9. (A).
- E. Applications which fail to comply with this Section shall be returned by the Zoning Administrator to the applicant, and the accompanying application fee will be reimbursed. The Zoning Administrator ~~may~~ shall retain one copy of the application and supporting documents.

13.7.5. Disclosure. Applicants shall make the following disclosures by sworn affidavit, filed at the time of the application.

B. *Property.*

4. Applicants of property held in a land trust, shall disclose the identity of each beneficiary of the trust including the name, address and percentage of interest of each beneficiary. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
5. Applicants of property owned by a partnership or association of two or more persons holding a common interest shall disclose the name and address of each partner or associate shall be listed. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
6. Applicants of property owned by a corporation shall disclose the name, address and percentage of ownership interest of shareholders owning five percent or more of the corporation shall be disclosed. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~

B. *Applicant.*

1. Applicants acting as agents or nominees shall disclose their agency relationship shall be disclosed and the name and address of the principals and their interest in the subject property. If the principals are not individuals, the identity of the principals shall be disclosed as set forth. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~

2. Applicants who are either the President or a member of the Cook County Board Commissioners shall disclose any ownership interest in the property or any direct or indirect interest in the property and the nature of the interest. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
3. Applicants who are a partnerships or associations of two or more persons holding a common interest shall disclose the name, address and percentage of ownership interest of each partner or associate having more than a five-percent interest ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
4. Applicants who are a corporation shall disclose the name, address and percentage of ownership interest of shareholders owning five percent or more of the corporation. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~

~~D. Applications which fail to comply with this Section shall be returned by the Zoning Administrator to the applicant. The Zoning Administrator shall retain one copy of the application and supporting documents.~~

#### *13.7.6. Processing applications.*

Upon receipt of a complete application for map amendment, and at least 15 days before a scheduled hearing date, tThe Zoning Board of Appeals~~Department of Building and Zoning shall forward a copy of the application, including the applicant's proposed findings of fact and all supporting documentation, to the Cook County Commissioner in whose district the property is located, and shall notify the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Transportation and Highways, the Cook County Forest Preserve District, the Cook County Department of Public Health, and the Cook County Department of Environmental Control that a complete application, including the applicant's proposed findings of fact and all supporting documentation has been submitted and is ready for review at least 30 days before a scheduled hearing date.~~ Each reviewing department shall submit recommendations and comments ~~to the Secretary of the Zoning Board of Appeals at least threeseven days before the scheduled hearing date. In addition, the Zoning Board of Appeals shall provide notice of the availability of the application and supporting documents for inspection and copying to the superintendents of local school districts, the fire chiefs of local fire protection districts, the township highway commissioner, the township clerk and municipalities within 1½ miles from the subject property.~~

Each reviewing department shall examine the application and supporting documentation based upon the following, as well as similar criteria:

#### A. Department of Planning and Development.

1. Economic impact.
2. Community need.
3. Trend of development.
4. Demographics.
5. Property values.

B. Department of Building and Zoning.

1. Site plan review.
2. Land use and permit review of properties in the vicinity of the proposed use.
3. Lot size.
4. Subdivision regulations.

C. Department of Transportation and Highways.

1. Wetland mitigation and compensation.
2. Floodway and floodplain capacity and storage.
3. Drainage detention requirements.
4. Roads, bridges, culverts, driveways, sidewalks, ingress, egress and access control.
5. Subdivision regulations.
6. Drainage, utilities, road easements and dedications.
7. Criteria from other regulatory agencies such as the Metropolitan Water Reclamation District, Illinois Department of Transportation, Illinois Department of Natural Resources, United States Army Corps of Engineers, local fire protection agencies and townships.
8. Erosion and sediment control requirements.

D. Forest Preserve Districts.

1. Compatibility of the proposed use with Forest Preserve holdings.
2. Impact on value of Forest Preserve holdings.
3. Future Forest Preserve acquisitions.

E. Department of Public Health.

1. Lot sizes for private septic systems and wells.
2. Subdivision regulations.
3. Swimming pools.
4. Public or community well and septic or sewage systems.
5. Health and safety concerns.

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F. Department of Environmental Control.

1. Noise and odor regulations.
2. Soil geology and composition.
3. Wetland mitigation and compensation.
4. Discharges of effluent and particulate into the air, land and water.
5. Criteria from other regulatory agencies such as the Metropolitan Water Reclamation District, Illinois Environmental Protection Agency, Illinois Department of Natural Resources, United States Army Corps of Engineers and United States Environmental Protection Agency.

The Cook County departments' recommendations and comments shall be available to the applicant or its representative, upon request, for review and/or reproduction prior to the hearing date.

*13.7.7. Notice of public hearing.*

- E. Time and place of a public hearing shall be published in a newspaper of general circulation in Cook County not less than 15 days before the hearing. In addition, at least 15 days before the hearing, notice of the hearing shall be posted on the property proposed to be rezoned in such a way as to be plainly visible from the roadway or right-of-way passing the frontage of the property. Notice posted on the property shall be maintained until the date of hearing on a weatherproof sign that is at least three feet by four feet in size. The sign shall have a white background and contain the word "NOTICE" in red capital letters at least six inches high. The remaining lettering shall be in black capital letters a minimum of three inches in height. Notice shall contain at least the following language: "This property is the subject of a rezoning hearing before the Cook County Zoning Board of Appeals on (date) at (time) at (location)."
- F. Written notice shall be served by regular mail and also by certified mail, with return receipt requested, at least 15 days before the hearing, by the applicant to the clerk of each municipality within 1 1/2 miles of the property proposed to be rezoned. Notice shall also be sent, in the same manner, to the clerk of the township in which the property is located the superintendent of each school district, the township highway commissioner, and the fire chief of the local fire protection district in which the property is located. ~~And~~ The applicant shall also serve written notice, by certified mail, with return receipt requested, to property owners within 250 feet of the lot line of the subject property, whose names appear on the Cook County tax records, as to the date, time and location of the public hearing. For condominium developments that are located within 250 feet of the lot line of the subject property, only the condominium association shall be served with notice. The notices shall contain the same information as the posted notice and shall also contain the legal description of the property, the common address of the property, the name of the applicant, the applicant's representative and a brief description of the requested map amendment. ~~In addition, notice of all hearings shall be sent to each civic or property owners' organization requesting notice of hearings on map amendments. Failure to notify a civic or property owners' organization, however, shall not invalidate the hearing. Supplemental or additional notices may be published or distributed as prescribed by the Zoning Board of Appeals' rules. All required notices shall be provided at the expense of the applicant. Applicant shall submit proof of mailing for all required notices.~~
- G. The aApplicants shall be responsible for the preparation of both posted and mailed notices and shall be solely responsible for the adequacy and accuracy of the information. The applicant shall also be responsible for placing and maintaining posted notice and for mailing and maintaining records of written notices. The Secretary of the Zoning Board of Appeals shall be responsible for assuring that notice by newspaper publication, ~~at the expense of the applicant,~~ is given. Supplemental or additional notices shall be published or distributed as prescribed by Zoning Board of Appeals' rules. Applicants shall also file a sworn affidavit with the Department of Building and Zoning certifying compliance with the notice requirements of this section. All required notices shall be provided at the expense of the applicant.



- H. ~~Copies of an application shall be served in person or by certified mail on the owners of record within ten days after the application is filed when the applicant is the President or a member of the Cook County Board of Commissioners. Where the application is filed by a person having an interest in the subject property, a notice and copy of the application shall be served in like manner upon persons or entities having an interest in the property. .~~ When the applicant is the President or a member of the Cook County Board of Commissioners, notice shall be served in accordance with this section, by the Zoning Board of Appeals, not less than 15 days nor more than 30 days before a scheduled public hearing. Notice and service requirements shall be in addition to posting and publishing requirements of this article.

*13.7.8. Hearing.*

The Zoning Board of Appeals shall hold ~~at least one~~ a public hearing on each application for a map amendment ~~in the township in which the property is located.~~ An authorized representative of any County department that provided comment on the application shall testify at the hearing if requested by the Zoning Board of Appeals. The hearing shall take place at the Cook County Administration Building unless the Secretary of the Zoning Board of Appeals determines that the County Building has more adequate facilities for such hearing. Provided, that if the owner of any property affected by such proposed map amendment submits a written request to the Zoning Board of Appeals within 14 days of referral by the Cook County Board of Commissioners, Committee on Building and Zoning, such hearing shall be held in the township or road district affected by the terms of such proposed amendment, as provided by State law. A record of proceedings, examinations, and other official actions shall be preserved in the manner prescribed by Zoning Board of Appeals' rules. If there is a judicial proceeding for a violation of any Cook County ordinance involving the subject property, the applicant shall not be entitled to seek, ~~nor shall~~ and the Zoning Board of Appeals shall not grant, ~~amore than one~~ continuance. Unless the Zoning Board of Appeals provides otherwise, the hearing shall be transcribed by a court reporter. The court reporter shall be of the applicant's choosing. Failure of the applicant to provide a transcript of the hearing(s) within 30 days following the hearing shall void the application. The deadline to submit a transcript may be extended by the Zoning Board of Appeals once, for a maximum of 30 additional days.

*13.7.9. Standards and findings of fact and recommendation of the Zoning Board of Appeals.*

- F. Evidence submitted shall be reviewed by the Zoning Board of Appeals to determine whether the proposed use benefits public health, safety and welfare with respect to the following standards:
9. Uses of surrounding property.
  10. Zoning classification of surrounding property.
  11. Suitability of the subject property for the use permitted under the existing zoning classification.
  12. Trend of development in the area.
  13. Length of time the property has been vacant as zoned considered in the context of land development in the surrounding area.
  14. Extent to which property values are diminished by particular zoning

restrictions.

15. Need in the community for the proposed use.

16. Consistency with the Cook County Comprehensive Land Use and Policies Plan.

- G. Applicants shall submit one original and 15 copies of proposed findings of fact documenting how the proposed amendment meets the standard to the Zoning Board of Appeals within 30 days of the public hearing. The applicant may seek, and the Zoning Board of Appeals may grant for good cause shown, one 30-day extension of time for the applicant to submit findings of fact. The Zoning Board shall, within seven days from receiving the applicant's proposed findings of fact, forward the proposed findings of fact to the Cook County Commissioners in whose district the property is located, the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Highways, the Cook County Forest Preserve District, the Cook County Department of Public Health, the Cook County Department of Environmental Control, to each municipality within 1½ miles of the subject property and local school and fire protection districts. Any interested party, upon written request to the Zoning Board of Appeals, may review the applicant's proposed findings of fact. County departments, municipalities and other interested persons shall have 30 days from receiving the applicant's proposed findings of fact to file a written response with the Zoning Board of Appeals. The applicant or its representative may, within 14 days of the response period, review and/or furnish the Zoning Board of Appeals with any reply to the written responses filed.
- H. ~~Recommendations and comments of the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Highways, the Cook County Forest Preserve District, the Cook County Health Department, the Cook County Department of Environmental Control and municipalities within 1½ miles of the subject property and local school and fire protection districts shall be considered and addressed in writing by the Zoning Board of Appeals in its findings and recommendations. The Secretary of the Zoning Board of Appeals shall prepare findings of fact and recommendations in accordance with this article.~~
- I. Written findings of fact and recommendations to approve or deny the application shall be made by the Zoning Board of Appeals within ~~60~~90 days after the close of a public hearing on a proposed map amendment. ~~The Zoning Board of Appeals and shall be submitted its findings and recommendations to the Cook County Board of Commissioners. Recommendations and comments of the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Transportation and Highways, the Cook County Forest Preserve District, the Cook County Health Department, the Cook County Department of Environmental Control and municipalities within 1½ miles of the subject property and local school and fire protection districts shall be considered and addressed in writing by the Zoning Board of Appeals in its findings and recommendations. The 60~~90-day period may be extended by the Zoning Board of Appeals once, for a maximum of 30 additional days if the Zoning Board of Appeals granted an extension pursuant to

~~this article. Failure of the Applicant to provide a transcript of the hearing within 60 days following the hearing shall void the application.~~

- J. ~~C.~~ Recommendation for the adoption of a proposed map amendment shall not be made by the Zoning Board of Appeals unless it makes written findings of fact that the proposed use satisfies each of the standards and is in the best interest of the public. In all cases, the recommendations to the Cook County Board of Commissioners are advisory only.

*13.7.10. Action by the Cook County Board of Commissioners.*

- F. Final action shall not be taken on a proposed map amendment by the Cook County Board of Commissioners until the Zoning Board of Appeals' findings of fact and recommendations have been received.
- G. Map amendments shall be approved by a favorable vote of three-quarters of all members of the Cook County Board of Commissioners in cases where the Zoning Board of Appeals has not recommended adoption of a proposed map amendment or where there has been a written protest filed against a proposed map amendment in accordance with this article.
- H. ~~Applications for map amendments shall be deemed denied if~~The Cook County Board of Commissioners ~~has not~~shall taken final action within 60 days of receiving the Zoning Board of Appeals' findings and recommendations. ~~The 60-day period may be extended if a request for an extension is made by the applicant or by a Cook County Board Commissioner and is granted by the Board of Commissioners.~~
- I. Decisions reached by the Cook County Board of Commissioners shall take into account the findings and recommendations of the Zoning Board of Appeals.
- J. Map amendments granted by the Cook County Board of Commissioners shall be included in an ordinance passed by the County Board.

*13.7.11. Effect of denial.* An application for a map amendment which has been denied wholly or in part by the Cook County Board of Commissioners shall not be resubmitted for a period of one year from the date of the denial, except on grounds of new evidence or proof of changed conditions found to be valid by the ~~Cook County Board of Commissioners~~Zoning Board of Appeals.

*13.7.12. Text amendments.* The Cook County Board of Commissioner's home rule authority to amend the text of this ordinance shall not be limited by this article.

13.8. - Special uses.

*13.8.1. Purpose.* The development and execution of this ordinance is based upon the division of Cook County into zoning districts. In addition to permitted uses, there are special uses which may be necessary because of the unusual characteristics or services special uses provide to the public. Special uses require case-by-case consideration to determine public need, appropriate location, impact on adjacent, existing or future uses and

compatibility to the planned development of the community. Special uses fall into two categories.

- C. Uses publicly operated or traditionally associated with a public interest.
- D. Uses generally consistent with permitted uses which give rise to unique problems or benefits by virtue of their impact on neighboring property, public facilities or Cook County as a whole.

*13.8.2. Initiation.* A special use may be proposed by the President or a member of the Cook County Board of Commissioners or by any person or entity having an interest in the subject property. A special use shall be initiated as provided in this article.

*13.8.3. Notice of application.* Applicants shall, not less than 15 days nor more than 30 days before filing an application, serve written notice of intent to apply for a special use, by certified mail with return receipt requested, to the property owners within 250 feet of the lot lines of the subject property. The property owners receiving notice shall be those persons or entities whose names appear on the Cook County tax records. For condominium developments that are located within 250 feet of the lot line of the subject property, only the condominium association shall be served with notice. The number of feet occupied by public roads, streets, alleys, other public ways shall be excluded in computing the 250 feet requirement. Notice need not be sent to owners more than 400 feet from the subject property when public streets, alleys and other public ways are included in the computation. In addition, the applicant shall serve notice to the clerk of each municipality within 1½ miles of the subject property, the superintendent of each local school district, the fire chief of each local fire protection district, the township clerk and township highway commissioner. When the applicant is either the President or a member of the Cook County Board of Commissioners, notice shall be served in accordance with this section, by the Zoning Board of Appeals. Notice shall contain the address of the subject property, a brief statement of the nature of the application, the name and address of the applicant and a statement of the approximate date when the applicant intends to apply. If the property owner on which notice is served cannot be found, or the mailed notice is returned, the notice requirements of this provision shall be deemed satisfied provided the applicant made a bonafide effort to determine the owner's address.

*13.8.4. Application.*

- F. An applications for a special use shall be submitted to the Department of Building and Zoning in such form and accompanied by such information as required by the Department of Building and Zoning. The applicant shall file one original and one electronic copy ~~15 copies~~ of the application and all supporting documents. The applicant shall include a written statement and evidence establishing that the proposed special use will conform to the standards set forth in this article. The applicant shall attest, and the Department of Building and Zoning shall independently verify, ~~that whether~~ there is ~~no~~ a judicial proceeding for a violation of any Cook County ordinance pending pertaining to the subject property.
- G. Applicants shall provide a development plan or schedule for phased development of the special use if the special use is not intended to be established within one

year. Upon approval, the development plan or schedule for the phased development shall be considered as a limitation and condition on the special use permit.

- H. Applicants shall ~~furnish~~ file with to the Department of Building and Zoning a sworn affidavit containing a complete list of the names and last known addresses of the persons served with notice pursuant to 13.8.3.. The applicant shall also furnish a written statement to the Department of Building and Zoning certifying compliance with the notice requirements of this ordinance.
- I. ~~Notices, as set forth in this article, shall be served by the Secretary of the Zoning Board of Appeals when the applicant is either the President or a member of the Cook County Board of Commissioners. Notice shall be served not less than 15 days nor more than 30 days before a scheduled public hearing.~~
- J. Applications shall be accompanied by proposed findings of fact addressing each of the standards in 13.8.9 (A).
- E. Applications shall be accompanied by a fee as established by the Cook County Board of Commissioners in order to be deemed complete.
- F. Applications which fail to comply with this section shall be returned by the Zoning Administrator to the applicant, and the accompanying fee will be reimbursed. The Zoning Administrator may retain one copy of the application and supporting documents.

*13.8.5. Disclosure.* Applicants shall make the following disclosures by sworn affidavit, filed at the time of the application.

A. *Property.*

- 1. Applicants of property held in a land trust shall disclose the identity of each beneficiary of the trust including the name, address and percentage of interest of each beneficiary. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
- 2. Applicants of property owned by a partnership or association of two or more persons holding a common interest shall disclose the name and address of each partner or associate. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
- 3. Applicants of property owned by a corporation shall disclose the name, address and percentage of ownership interest of shareholders owning three five percent or more of the corporation. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~

C. *Applicant.*

- 5. Applicants acting as agents or nominees shall disclose their agency relationship and the name and address of the principals, and their interest in the subject property, shall be disclosed. If the principals are not

individuals, the identity of the principals shall be disclosed as set forth below. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~

6. Applicants who are either the President or a member of the Cook County Board of Commissioners shall disclose any ownership interest in the property or any direct or indirect interest in the property and the nature of the interest. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
7. Applicants who are partnerships or associations of two or more persons holding a common interest shall disclose the name, address and percentage of ownership interest of each partner or associate having more than a five percent interest. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
8. Applicants who are corporations shall disclose the name, address and percentage of ownership interest of shareholders owning five percent or more of the corporation. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~

~~D. Applications which fail to comply with this article shall be returned by the Zoning Administrator to the applicant. The Zoning Administrator shall retain one copy of the application and supporting documents.~~

#### *13.8.6. Processing applications.*

Upon receipt of a complete application for special use, and at least 15 days before a scheduled hearing date, the Zoning Board of Appeals~~Department of Building and Zoning~~ shall forward a copy of the complete application for special use, including the applicant's proposed findings of fact and all supporting documentation, to the Cook County Commissioner in whose district the property is located, and shall notify the Cook County Department of Planning and Development, ~~the Cook County Department of Building and Zoning,~~ the Cook County Department of Transportation and Highways, the Cook County Forest Preserve District, the Cook County Department of Public Health, and the Cook County Department of Environmental Control that a complete application, including the applicant's proposed findings of fact and all supporting documentation has been submitted and is ready for review at least 30 days before a scheduled hearing date. Each reviewing department shall submit recommendations and comments to the Secretary of the Zoning Board of Appeals at least three days before the scheduled hearing date. In addition, the Zoning Board of Appeals shall provide notice of the availability of the application and supporting documents for inspection and copying to the superintendent of local school districts, the fire chiefs of local fire protection districts, the township highway commissioner, the township clerk and municipalities within 1½ miles from the subject property. Each reviewing department shall submit recommendations and comments at least 7 days before the scheduled hearing date.

Each reviewing department shall examine the application and supporting documentation based upon the following, as well as similar criteria:

- G. Department of Planning and Development.
  6. Economic impact.
  7. Community need.

8. Trend of development.
  9. Demographics.
  10. Property values.
- H. Department of Building and Zoning.
5. Site plan review.
  6. Land use and permit review of properties in the vicinity of the proposed use.
  7. Lot size.
  8. Subdivision regulations.
- I. Department of Transportation and Highways.
9. Wetland mitigation and compensation.
  10. Floodway and floodplain capacity and storage.
  11. Drainage detention requirements.
  12. Roads, bridges, culverts, driveways, sidewalks, ingress and egress and access control.
  13. Subdivision regulations.
  14. Drainage, utilities and road easements and dedications.
  15. Criteria from other regulatory agencies such as the Metropolitan Water Reclamation District, Illinois Department of Transportation, Illinois Department of Natural Resources, United States Army Corps of Engineers, local fire protection agencies and townships.
  16. Erosion and sediment control requirements.
- J. Forest Preserve District.
4. Compatibility of the proposed use with Forest Preserve holdings.
  5. Impact on value of Forest Preserve holdings.
  6. Future Forest Preserve acquisitions.
- K. Department of Public Health.
6. Lot sizes for private septic systems and wells.
  7. Subdivision regulations.
  8. Swimming pools.
  9. Public or community well and septic or sewage systems.
  10. Health and Safety concerns.
- L. Department of Environmental Control.
6. Noise and odor regulations.
  7. Soil geology and composition.
  8. Wetland mitigation and compensation.
  9. Discharges of effluent and particulate into the air, land and water.
  10. Criteria from other regulatory agencies such as the Metropolitan Water Reclamation District, Illinois Environmental Protection Agency, Illinois Department of Natural Resources, United States Army Corps of Engineers and United States Environmental Protection Agency.

The County department's recommendations and comments shall be available to the applicant or its representative, upon request, for review and/or reproduction prior to the hearing date.

*13.8.7. Notice of public hearing.*

- E. Time and place of a public hearing shall be published in a newspaper of general circulation in Cook County not less than 15 days before the hearing. In addition, at least 15 days before the hearing, notice of the hearing shall be posted on the property for which a special use application has been filed in such a way as to be plainly visible from the roadway or right-of-way passing the frontage of the property. Notice posted on the property shall be maintained until the date of hearing on a weatherproof sign that is at least three feet by four feet in size. The sign shall have a white background and contain the word "NOTICE" in red capital letters at least six inches high. The remaining lettering shall be in black capital letters a minimum of three inches in height. Notice shall contain at least the following language: "This property is the subject of a special use hearing before the Cook County Zoning Board of Appeals on (date) at (time) at (location)."
- F. Written notice shall be served by regular mail and also by certified mail; with return receipt requested, at least 15 days before the hearing by the applicant to the Clerk of each municipality within 1½ miles of the property for which the special use application has been filed. ~~Notice shall also be sent, in the same manner, to the clerk of the township in which the property is located and to the superintendent of each school district, the township highway commissioner, and the fire chief of the local fire protection district in which the property is located. An applicant shall also serve written notice, by certified mail; with return receipt requested, to property owners within 250 feet of the lot line of the subject property, whose names appear on the Cook County tax records, as to the date, time and location of the public hearing. For condominium developments that are located within 250 feet of the lot line of the subject property, only the condominium association shall be served with notice.~~ The notices shall contain the same information as the posted notice and shall also contain the legal description of the property, the common address of the property, the name of the applicant, the applicant's representative and a brief description of the requested special use. ~~In addition, notice of all hearings shall be sent to each civic or property owners' organization requesting notice of hearings on special uses. Failure to notify a civic or property owners' organization, however, shall not invalidate the hearing. Supplemental or additional notices shall be published or distributed as prescribed by Zoning Board of Appeals' rules. All required notices shall be provided at the expense of the applicant. Applicant shall submit proof of mailing for all required notices.~~
- G. ~~The a~~Applicants shall be responsible for the preparation of both posted and mailed notices and shall be solely responsible for adequacy and accuracy of the information. The applicant shall also be responsible for placing and maintaining posted notice and for mailing and maintaining records of written notices. The Secretary of the Zoning Board of Appeals shall be responsible for assuring that notice by newspaper publication, ~~at the expense of the applicant~~, is given. Supplemental or additional notices shall be published or distributed as prescribed by Zoning Board of Appeals' rules. Applicants shall also file a sworn affidavit with the Department of Building and Zoning certifying compliance with the notice requirements of this section. All required notices shall be provided at the expense of the applicant.



- H. When the applicant is the President or a member of the Cook County Board of Commissioners, Copies of an application notice shall be served in accordance with this section, by the Zoning Board of Appeals, not less than 15 days nor more than 30 days before a scheduled public hearing in person or by certified mail on the owners of record within ten days after the application is filed when the applicant is the President or a member of the Cook County Board of Commissioners. Where the application is filed by a person having an interest in the subject property, a notice and copy of the application shall be served in like manner upon all other persons or entities having an interest in the property. Notice and service requirements shall be in addition to posting and publishing requirements of this article.

*13.8.8. Hearing.*

The Zoning Board of Appeals shall hold at least one a public hearing on each application for a special use in the township in which the property is located. An authorized representative of any county department that provided comment on the application shall testify at the hearing if requested by the Zoning Board of Appeals. The hearing shall take place at the Cook County Administration Building unless the Secretary of the Zoning Board of Appeals determines that the County Building has more adequate facilities for such hearing. A record of proceedings, examinations, and other official actions shall be preserved in the manner prescribed by Zoning Board of Appeals' rules. If there is a judicial proceeding for a violation of any Cook County ordinance involving the subject property, the applicant shall not be entitled to seek, nor shall and the Zoning Board of Appeals shall not grant, more than one a continuance. Unless the Zoning Board of Appeals provides otherwise, tThe hearing shall be transcribed by a court reporter. The court reporter shall be of the applicant's choosing. Failure of the applicant to provide a transcript of the hearing(s) within 30 days following the hearing shall void the application. The deadline to submit a transcript may be extended by the Zoning Board of Appeals once, for a maximum of 30 additional days.

*13.8.9. Standards and findings of fact and recommendation of the Zoning Board of Appeals.*

- F. Special uses shall not be recommended by the Zoning Board of Appeals unless it makes written findings of fact consistent with the following standards:
7. Establishment, maintenance or operation of the special use will not be detrimental to or endanger public health, safety or general welfare.
  8. Establishment, maintenance or operation of the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted, nor diminish and impair property values within the neighborhood.
  9. Establishment, maintenance or operation of the special use will not impede the normal and orderly development and improvement of surrounding property for permitted uses.
  10. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
  11. Adequate measures have been, or will be, taken to provide ingress and egress designed to minimize traffic congestion in public streets.
  12. Establishment, maintenance or operation of the special use shall in all other respects conform to all Cook County ordinances, unless otherwise authorized

by the Cook County Board of Commissioners pursuant to the recommendation of the Zoning Board of Appeals.

- G. Applicants shall submit one original and 15 copies of proposed findings of fact documenting how the proposed special use meets the standards, to the Zoning Board of Appeals within 30 days of the public hearing. The applicant may seek, and the Zoning Board of Appeals may grant for good cause shown, one 30-day extension of time for the applicant to submit findings of fact. The Zoning Board of Appeals shall, within seven days of receiving the applicant's proposed findings of fact, forward the proposed findings of fact to the Cook County Commissioner in whose district the property is located, the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Highways, the Cook County Forest Preserve District, the Cook County Health Department, the Cook County Department of Environmental Control to each municipality within 1½ miles of the subject property and local school and fire protection districts. Any interested party, upon written request to the Zoning Board of Appeals, may review the applicant's proposed findings of fact. County departments, municipalities and other interested persons shall have 30 days from receiving the applicant's proposed findings of fact to file a written response with the Zoning Board of Appeals. The applicant or its representative may, within 14 days of the response period, review and/or furnish the Zoning Board of Appeals with any reply to the written response filed.
- H. ~~Recommendations and comments of the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Highways, the Cook County Forest Preserve District, the Cook County Health Department, the Cook County Department of Environmental Control, and municipalities within 1½ miles of the subject property and local school and fire protection districts shall be considered and addressed in writing by the Zoning Board of Appeals in its findings and recommendations. The Secretary of the Zoning Board of Appeals shall forward findings of fact and recommendations in accordance with this article.~~
- I. Written findings of fact and recommendations to approve or deny the application shall be made by the Zoning Board of Appeals within 6090 days after the close of a public hearing on a proposed special use and shall be submitted to the Cook County Board of Commissioners. Recommendations and comments of the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Transportation and Highways, the Cook County Forest Preserve District, the Cook County Health Department, the Cook County Department of Environmental Control, and municipalities within 1½ miles of the subject property and local school and fire protection districts shall be considered and addressed in writing by the Zoning Board of Appeals in its findings and recommendations. The Zoning Board of Appeals shall submit its findings and recommendations to the Cook County Board of Commissioners. The 6090-day period may be extended by the Zoning Board of Appeals for a maximum of 30 additional days if the Zoning Board of Appeals granted an extension pursuant to this article.

- J. Recommendation for the adoption of a proposed special use shall not be made by the Zoning Board of Appeals unless it makes written findings of fact that the proposed use satisfies each of the standards and is in the best interest of the public. In all cases, the recommendations to the Cook County Board of Commissioners are advisory only.

*13.8.10. Conditions and guarantees.* The Zoning Board of Appeals may recommend, and the Cook County Board of Commissioners may impose, conditions and restrictions upon a special use to assure compliance with standards and requirements of this ordinance. The Cook County Board of Commissioners may require evidence and guarantees to ensure that the applicant complies with the conditions and restrictions of the special use. Failure of the applicant to comply with such conditions or restrictions shall constitute a violation of this ordinance.

*13.8.11. Action by the Cook County Board of Commissioners.*

- F. Final action shall not be taken on a proposed special use by the Cook County Board of Commissioners until the Zoning Board of Appeals' findings of fact and recommendations have been received.
- G. Special uses shall be approved by a favorable vote of three-quarters of all members of the Cook County Board of Commissioners in cases where the Zoning Board of Appeals has not recommended adoption of a proposed special use or where there has been a written protest filed against a proposed special use in accordance with this article.
- H. ~~Applications for special uses shall be deemed denied if the Cook County Board of Commissioners has not~~ shall taken final action within 60 days of receiving the Zoning Board of Appeals' findings and recommendations. ~~The 60-day period may be extended if a request for an extension is made by the applicant or by a Cook County Board Commissioner and is granted by the Board of Commissioners.~~
- I. Decisions reached by the Cook County Board of Commissioners shall take into account the findings and recommendations of the Zoning Board of Appeals.
- J. Special uses granted by the Cook County Board of Commissioners shall be included in an ordinance passed by the County Board.

*13.8.12. Planned unit developments.* A planned unit development shall conform to the requirements in Article 9.

*13.8.13. Effect of denial.* Applications for special uses which have been denied wholly or in part by the Cook County Board of Commissioners shall not be resubmitted for a period of one year from the date of the denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the ~~Cook County Board of Commissioners~~ Zoning Board of Appeals.

*13.8.14. Revocation.* A special use which has been approved but not established on a zoning lot within one year or as otherwise provided by the special use permit shall be null and void. A special use is established on the date of issuance of a building permit. The

Zoning Board of Appeals shall not have authority to extend the time limitation contained in a special use permit. If a special use is revoked by operation of this provision, and if the special use was granted in conjunction with a map amendment, the map amendment shall be revoked concurrently with revocation of the special use. Upon revocation, zoning of the subject property shall revert to the prior zoning classification unless otherwise authorized by the Cook County Board of Commissioners.

#### ARTICLE 14. RULES AND DEFINITIONS

##### 14.2. Definitions.

14.2.1. The following words and terms shall have the meaning[s] set forth [in this section], except where otherwise specifically indicated. Words and terms not defined shall have the meaning indicated by common dictionary definition:

*Abut or abutting.* The word "abut" or "abutting" means having a common property line or district line.

*Accessory building or use.* An "accessory building or use" is one which:

- A. Is subordinate to and serves a principal building or principal use; and
- B. Is subordinate in area, extent, or purpose to the principal building or principal use served; and
- C. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
- D. Is located on the same zoning lot as the principal building or principal use served, with the single exception of accessory off-street parking facilities which are permitted to locate elsewhere than on the same zoning lot with the building or use served.

*Adjacent.* The word "adjacent" means lying near or in the immediate vicinity.

*Adjoining lot.* An "adjoining lot" is one which has part or all of a lot line in common with the subject property.

*Adult booth.* The term "adult booth" means a small enclosed or partitioned area which is:

- A. Designed or used for the viewing of material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" by one or more persons; and is
- B. Accessible to any person, regardless of whether a fee is charged for access. The term "adult booth" includes, but is not limited to a peep show booth or other booth used to view material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

*Adult entertainment cabaret.* A public or private establishment which features topless dancers, strippers, male or female impersonators or other entertainers who:

- A. Display or simulate the display of, "specified anatomical areas";
- B. Perform in a manner which is designed primarily to appeal to the prurient interest of a patron or person; or
- C. Engage in, or engage in simulation of, "specified sexual activities."

*Adult motion picture theater.* A theater used for presenting material for observation by patrons or persons which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

*Adult store.* An establishment having adult material as a substantial or significant portion of its stock in trade available for sale, rental, display, viewing or reproduction. Adult material shall mean any of the following, whether new or used:

- A. Books, magazines, periodicals, or other printed material, digitally-stored materials, films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, description or relation to "specified anatomical areas" or the performance or simulation of "specified sexual activities"; or
- B. Instruments, novelties, devices or paraphernalia that are designed for use in connection with "specified sexual activities" or that depicts, describes or resembles "specified anatomical areas."

*Advertising device.* An "advertising device" is any advertising sign, billboard or poster panel which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located or to which it is affixed. Advertising device does not include advertising signs, billboards or poster panels which direct attention to the business on the premises or to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.

*Agriculture.* The word "agriculture" describes land used for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, truck farming, growing of nursery stock, raising of fruit and berries, beekeeping and the retail sale of products grown or raised on the premises through one growing season. Agriculture also includes necessary accessory uses for packing, treating, or storing the produce. The operation of any such accessory uses however, shall

be secondary to that of the normal agricultural activities. [The term] "agriculture" shall not include the commercial feeding of garbage or offal to swine or other animals or operating for the disposal of garbage, sewerage, rubbish or offal. Also, excluded from agriculture are mechanized industrial animal farms commercially operated greenhouses, commercial milk farms and commercial dog kennels. The minimum land area (farm) necessary to constitute an agricultural use is five acres.

*Agricultural building or structure.* An "agricultural building or structure" is a building or structure existing or erected on land used principally for agricultural purposes, with the exception of dwelling units.

*Airport.* An "airport" is any area of land or water which is used or intended for use for the landing and taking off of aircraft. An airport includes any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

*Alley.* An "alley" is a public right-of-way which normally affords a secondary means of access to abutting property. Frontage on an alley shall not be construed as satisfying the requirements related to frontage on a dedicated street.

*Alteration.* An "alteration" shall mean any change in size, shape, character, occupancy or use of a building or structure.

*Animal hospital.* An "animal hospital" is a structure where animals or pets are given medical or surgical treatment. Use as a kennel, or for other boarding purposes, shall be limited to short-term and fully enclosed boarding and shall only be incidental to such hospital use. Also a "veterinary clinic."

*Apartment.* An "apartment" is one or more rooms with a private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing three or more dwelling units.

*Apartment hotel.* An "apartment hotel" is a hotel in which at least 90 percent of the hotel accommodations are occupied by permanent guests.

*Area of special flood hazard.* Any base flood area subject to flooding from a river, creek, intermittent stream, ditch, or any other identified channel or ponding and shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map as Zone A, A0, A1-30, AE, A99, AH, VO, V30, VE, V, M, E, D, or X.

*Automobile salvage yard.* (See definition of *Junk yard*.)

*Automobile service station.* An "automobile service station" is any building or premises used for:

- A. Retail dispensing or sales of vehicular fuels and lubricants; or
- B. Servicing and mechanical repair of automobiles including, nonproduction line car washing and sale and installation of lubricants, tires, batteries and similar vehicle accessories.

*Awning.* An "awning" is a roof like cover, temporary in nature, which projects from the wall of a building and overhangs the public way.

*Base flood.* The term "base flood" means a flood having a one percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year frequency flood event. Application of the base flood elevation at any location is determined by the Flood Prevention Ordinance of Cook County, Illinois.

*Base flood elevation.* A "base flood elevation," also known as a "regulatory flood elevation", is that surface elevation of the water level at the highest flood of record, except in areas where the elevation of the 100-year flood is depicted. In such cases, the base flood elevation is the elevation of the 100-year flood. The base flood elevation is generally the highest elevation of the base flood and usually marks the line between the land designated in the floodplain as the floodway fringe and the flood table land. The base flood elevation, the floodway and the floodway fringe shall be described by the maps, profiles, elevation data and other sources of information which are listed and on file in the Department of Building and Zoning.

*Basement.* A "basement" is that portion of a building having more than one-half of its height below lot grade.

*Berm.* A "berm" is an earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise or fulfill other such purposes.

*Block.* A "block" is a tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways, or boundary lines of Cook County.

*Board of Commissioners.* The "Board of Commissioners" means the Cook County Board of Commissioners.

*Book and stationary store.* An establishment dealing in books, printed material and stationary supplies which is not an adult store.

*Borrow pit.* A "borrow pit" is any place or premises where dirt, soil, sand, gravel or other material is removed by below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction.

*Buffer.* A "buffer" is an area of land, including landscaping, fences and building setbacks, that is located between land uses of different character and a buffer is intended to mitigate negative impacts a more intense use has upon a residential or vacant parcel.

*Buffer yard.* A "buffer yard" is a yard containing materials used to provide sight and sound screening from adjoining properties and rights-of-way. The required height and width of the buffer yard and materials used in its construction vary according to use.

*Building.* A "building" is any structure built for the support, shelter or enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land. A fence is not a building.

*Building, completely enclosed.* A "completely enclosed building" is a building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrances or exit doors.

*Building, detached.* A "detached building" is a building surrounded by an open space on the same lot.

*Building height.* A "building height" for a principal building is the vertical distance measured from the curb level, or its equivalent opposite the center of the front of the principal building, to the:

- A. Highest point of the underside of the ceiling beams of a flat roof;
- B. Deck line of a mansard roof; or
- C. Mean level of the underside of the rafters between the eaves and the ridge of a gable, hip, shed, gambrel, or any other pitched roof.

Where no curb level has been established, the height of a principal building shall be measured from the mean elevation of the existing lot grade at the front of the principal building.

A "building height" for an accessory building is the vertical distance of an accessory structure measured from the average elevation of the existing grade surrounding the accessory structure to the highest point of the accessory structure.

*Building, principal.* A "principal building" is a nonaccessory building in which a



principal use of the lot, on which it is located, is conducted.

*Building, residential.* A "residential building" is a building which is arranged, designed, used or intended to be used for residential occupancy by one or more families or lodgers and which includes, but is not limited to, the following types:

- A. Single-family detached dwellings.
- B. Two-family dwellings.
- C. Multiple-family dwellings.
- D. Single- or two-family attached dwellings in a row developed initially under single ownership or control.

*Bulk.* The term "bulk" means, the standards and controls that establish the size and setbacks of buildings and structures including, but not limited to, the following:

- A. Size and height of buildings.
- B. Location of exterior walls at all levels in relation to lot lines, streets or to other buildings.
- C. Gross floor area of buildings in relation to lot area (floor area ratio).
- D. Open spaces allocated to buildings.
- E. Amount of lot area provided per dwelling unit.

*Car washes.* A building or portion of a building containing facilities for washing motor vehicles using automatic production-line methods, other mechanical devices, or providing space, water, and equipment for hand washing of autos, by either the customer or the operator of the facility.

*Carport.* A "carport" is an open-sided roofed automobile shelter, usually formed by extension of the roof from the side of a building.

*Cemetery, pet.* A "pet cemetery" is a burial ground for domestic animals.

*Character.* The "character" of a structure or area is the special physical characteristics that set it apart from its surroundings and contribute to its individuality.

*Club.* A "club" is a nonprofit association of persons who are bona fide members paying annual dues and who own, hire, or lease land or buildings or a portion thereof. The use of such premises are restricted to members and their guests. The affairs and management of such private club are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting. It is permissible to serve food and meals on such premises, provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests be allowed provided it is secondary and incidental to the promotion of some other common objective of the organization and is in compliance with applicable Federal, State and Cook County statutes

and ordinances.

*Clustering (of residences).* A "clustering" is a grouping of residential structures around courts, cul-de-sacs or short streets — (more closely than in conventional residential plans) in order to preserve natural site amenities and open space, provided there is no increase in the number of lots permitted in a conventional subdivision or increase in the overall density of development.

*Columbarium.* A "columbarium" is a vault with niches for cinerary urns.

*Common area.* A "common area" is land within a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. May include complementary structures and improvements.

*Common open space.* A "common open space" is land/or water unoccupied by structures, buildings, streets, rights-of-way and automobile parking lots and designed and intended for the use or enjoyment of residents of a planned unit development. Common open space may contain walks, patios and structures for recreational use. Area used for individual open space not available to all residents of a planned unit development, such as private courtyards, shall not be included as common open space.

*Compatible use.* A "compatible use" is a property, use or service which is capable of direct association with certain other uses because it is complimentary, congruous or otherwise nondetrimental.

*Compensatory storage.* An artificially excavated, hydraulically equivalent volume of storage within the special flood hazard areas used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the floodplain. The uncompensated loss of natural floodplain storage can increase off-site floodwater elevations and flows.

*Conforming building or structure.* A "conforming building or structure" is any building or structure which:

- A. Complies with all the regulations of this ordinance or of any amendments governing bulk for the zoning district in which such building or structure is located; or, is
- B. Designed or intended for a conforming use.

*Consistency compliance, conformance with the comprehensive plan.* All development plans shall be consistent with the intent, purpose, policies and maps contained in the Cook

County Land Use and Policies Plan.

*Contiguous.* The word "contiguous" means in contact, adjoining or touching another object or item, as distinguished from being adjacent.

*Cultural center.* A "cultural center" is a structure used to provide services to the public such as, but not limited to, museums, art galleries and libraries.

*Curb level.* The "curb level" for any building is the level of the established curb in front of the building measured at the center of the front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the "curb level."

*Day care center.* A "day care center" is any licensed facility operated for the purpose of providing care, protection and supervision to individuals during only part of a 24-hour day. This term includes nursery schools, preschools and other similar uses, but excludes public and private educational facilities or any facility offering care to individuals for a full 24-hour period.

*Density, gross.* The "gross density" is the numerical value obtained by dividing the total number of dwelling units in a development by the gross area of the tract of land (in acres) within a development. This would include all nonresidential land uses and private streets of the development as well as rights-of-way of dedicated streets. The result is the number of dwelling units per gross acre of land.

*Density, net.* "Net density" is the numerical value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres) upon which the dwelling units are proposed to be located and including private streets, common open space and associated recreational facilities within the area. The result is the number of dwelling units per net residential acre of land. Net density calculations exclude right-of-way of publicly dedicated streets.

*Detention.* A "detention" is the temporary on-site restraining of storm water.

*Development.* All manmade changes to improved or unimproved real estate including, but not limited to, construction, of buildings or other structures, substantial improvements to buildings or other structures, placement of mobile homes, mining, dredging, filling, grading, paving and excavation or drilling operations.

*Development right.* A "development right" is the difference between the density which is allowed under existing zoning and that which actually exists on any given parcel of land. A development right is expressed in suitable units such as dwelling units per acre or square feet of building area. In residential districts the development right is the total number of residential units allowed minus any existing units. In commercial or industrial districts the

development right is total floor area allowed in square feet minus any existing floor area. For inter-district development right transfer (i.e. residential to commercial), floor area shall be used for calculation purposes.

*District.* A "district" is a portion of the territory of Cook County within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this ordinance.

*Drip line.* A "drip line" is an imaginary vertical line that extends from the outermost branches of a tree's canopy to the ground.

*Drive-in establishment.* A "drive-in establishment" is one which provides or is designed to provide, either wholly or in part, for parking of patrons' automobiles from which the occupants may receive services, obtain goods or be entertained.

*Driveway.* A "driveway" is a pathway for motor vehicles from a street to a structure used for service purposes or for access to the structure only.

*Dwelling.* A "dwelling" is a building, or portion thereof, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings and multiple-family dwellings, but not including mobile homes, hotels or motels.

*Dwelling, detached.* A "detached dwelling" is one which is entirely surrounded by open space on the same lot.

*Dwelling, converted.* A "converted dwelling" is any building which was originally designed for one type of residential use but which has been altered or changed to another type of residential use.

*Dwelling, multiple-family.* A "multiple-family dwelling" is a building, or portion thereof, containing three or more dwelling units originally constructed for multiple-family use.

*Dwelling, single-family.* A "single-family dwelling" is a building containing only one dwelling unit and occupied by only one family.

*Dwelling, two-family.* A "two-family dwelling" is a building containing only two dwelling units, designed for two families to live independently of each other, and occupied by not more than two families.

*Dwelling unit.* A "dwelling unit" consists of one or more rooms which are arranged, designed or used as living quarters for only one family. Individual bathrooms and complete

kitchen facilities, permanently installed, shall be included in each "dwelling unit."

*Earth sheltered home.* A dwelling unit structure as defined in the Cook County Building Ordinance.

*Easement.* An "easement" is a grant by a property owner for the use of land by the public, a corporation, or persons for specific purposes as ingress and egress, the construction of utilities, drainage ways and roadways.

*Educational institutions.* An "educational institution" is a public, parochial, private or charitable, or nonprofit school, junior college, or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.

*Efficiency unit.* An "efficiency unit" is a dwelling unit consisting of one principal room exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room, provided such dining alcove does not exceed 125 square feet in area.

*Eleemosynary institution.* An "eleemosynary institution" is a building or group of buildings devoted to and supported by charity.

*Environmentally sensitive.* An "environmentally sensitive" area is a parcel which exhibits one or more of the following characteristics:

- A. Portions of the parcel lie within those areas identified as environmentally sensitive on a map approved by the Board of Commissioners in its Comprehensive Land Use Plan adopted April 6, 1999, and amended September 22, 1999, and by this ordinance.
- B. Portions of the parcel lie within the jurisdictional wetlands under the jurisdiction of the U.S. Army Corps of Engineers.
- C. Portions of the parcel lie within the regulatory floodplain or floodway or flood fringe as designated on the maps adopted by Cook County.
- D. Thirty-three percent or more of the site contains mature hardwood vegetation.
- E. Thirty-three percent or more of the site has topographic relief in excess of ten percent.

*Establishment, business.* A "business establishment" is a place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot. Direct access to each "business establishment" shall be separate and distinct from direct access to any other business establishment and in no case shall there be access to one such establishment from

within another such establishment.

*Extended care facility.* An "extended care facility" is a long-term facility or a distinct part of a facility licensed or approved as a nursing home, home for the aged or a governmental medical institution.

*Fallout shelter.* A "fallout shelter" is an accessory building and use designed for the protection of life from radioactive fallout.

*Family.* A "family" consists of one or more persons each related to the other by blood, marriage or adoption (including foster children), together with such relatives of the respective spouses who are living with the family in a single dwelling and maintaining a common household. A family may also be composed of not to exceed three persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and a single housekeeping unit. A family includes any domestic servants and not more than one gratuitous guest residing with family. Servants or guest shall be included, not in addition to, the unrelated persons provided in this definition.

*Farm.* A "farm" is land being used for agriculture purposes.

*Fence.* A "fence" is a structure which is a barrier and is used as a boundary, screen, separation, means of privacy, protection or confinement and is constructed of wood, plastic, metal, wire mesh, masonry or other similar material.

*Fence, natural.* A "natural fence" is a fence made of natural growth, such as trees, deciduous shrubs and evergreens.

*Fence, open.* An "open fence" is a fence, including gates, which has for each one foot wide segment extending over the entire length and height of the fence, 60 percent of the surface area in open spaces which afford a direct view through the fence.

*Fence, solid.* A "solid fence" is a fence, including gates, which conceals from the view of adjoining properties, streets or alleys the activities conducted behind the fence.

*Filtration plant.* A "filtration plant" includes the mechanical process that removes particulate matter by separating water from solid material, usually by passing it through sand.

*Flood.* A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waves, or the unusual and rapid accumulation or runoff of surface waters from any source.

*Flood frequency.* A period of years, based on a statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded.

*Flood fringe.* That portion of the floodplain outside of the delineated floodway.

*Flood insurance rate map (FIRM).* A map prepared by FEMA that depicts the Special Flood Hazard Areas (SFHA) within a community. This map includes insurance rate zones and floodplains and may or may not depict floodways.

*Flood insurance study (FIS).* An examination and evaluation of hydrologic and hydraulic data sponsored by the Federal Insurance Administration to determine base flood flows, elevations, areas and floodways. This FIS also determines flows, elevations and areas of flood having lesser and greater frequencies of occurrence.

*Flood of record.* An actual historical flood event for which sufficient records are available to establish its extent. No uniform probability of occurrence is associated with floods of record. However, the probability of occurrence may be determined for the event at specific locations.

*Flood (100-Year).* A flood magnitude with a one percent statistical chance of being equaled or exceeded during any year. A flood this large would be reached once during a 100-year period, on the average. However, the occurrence of such an event does not diminish the chance of its re-occurring again at any time.

*Flood profile.* A "flood profile" is a graphical representation of the elevations of the water surface of the 100 year flood along the watercourses of unincorporated Cook County.

*Flood protection elevation.* The elevation of the base flood or 100-year frequency flood plus two foot of freeboard at any given location in the SFHA.

*Flood return period.* A period of years, based on a statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded.

*Flood table land.* The term "flood table land" is the continuous land area adjacent to the floodplain, having an elevation no greater than two feet nor less than one foot above the base flood elevation.

*Floodplain.* That land typically adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation. Floodplains may also include detached Special Flood Hazard Areas, ponding areas, etc. The floodplain is also known as the Special Flood Hazard Area (SFHA).

- A. Floodplains are those lands within the jurisdiction of Cook County that are subject to inundation by the base flood or 100-year frequency flood. The SFHA's of Cook County are generally identified on the countywide Flood Insurance Rate Map for Cook County number 170316 prepared by the Federal Emergency Management Agency and dated November 6, 2000.
- B. SFHA's of those parts of unincorporated Cook County that are within the extraterritorial jurisdiction of a City or Village, or that may be annexed into a City or Village, are generally identified as such on the Flood Insurance Rate Map prepared for Cook County by the Federal Emergency Management Agency (or the U.S. Department of Housing and Urban Development).

*Floodproofing.* The term "floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Floodway.* A "floodway" is the channel of watercourse and those portions of the adjoining floodplains which are required to carry and discharge the 100-year flood with no significant increase in the base flood elevation.

*Floodway encroachment lines.* The lateral boundaries of the floodway which separate it from the floodway fringes.

*Floodway fringe.* A "floodway fringe" is that portion of the floodplain which is immediately adjacent to the floodway. Although this area is prone to flooding, it is not used to transport flood water flows. The highest elevation of the floodway fringe is coterminous to the highest elevation of the floodplain.

*Floor area (for determining area ratio).* The "floor area" of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area of a building shall include basement floor area when more than one-half of the basement height is above the established curb level or above the finished lot grade level where curb level has not been established, elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), penthouses, attic space having headroom of seven feet, six inches or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses. However, any space devoted to off street parking or loading shall not be included in "floor area". The "floor area" of structures devoted to bulk storage of materials, including but not limited to, grain elevators and petroleum storage tanks shall be determined on the basis of height in feet; i.e., ten feet in height shall equal one floor.



*Floor area ratio (F.A.R.).* The "floor area ratio" is the floor area of the building or buildings on the zoning lot divided by the area of such zoning lot or, in the case of planned unit developments, by the gross site area exclusive of dedicated streets. The floor area ratio requirements shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

*Freeboard.* The term "freeboard" means an increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

*Frontage.* The "frontage" is all the property fronting on one side of a street between the two nearest intersecting streets, measured along the line of the street or, if dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

*Frontage, zoning lot.* The "frontage of a zoning lot" is all the property of such zoning lot fronting on a street, and measured between side lot lines.

*Grade.* The "grade" is the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

*Grading.* The term "grading" means a reshaping of natural land contours, using natural land materials such as soil, gravel, sand or black dirt, for the purpose of eliminating erosion or sedimentation problems, creating or improving surface drainage, providing for the natural aesthetic contouring of property or to accommodate a building plan by making minor changes in land elevation.

*Group home.* A "group home" is a facility located in a residential district which is occupied on a permanent basis by a group of not more than six unrelated persons with disabilities in a family-like environment. Group home facilities are allowed only when licensed by the appropriate state and/or local agency.

*Guesthouse.* A "guesthouse" is a detached accessory building located on the same zoning lot as the principal building and containing living quarters for temporary guests. Guesthouse quarters shall not be rented.

*Guests, permanent.* A "permanent guest" is a person who occupies, or has the right to occupy, a hotel or apartment hotel accommodation as a domicile and place of permanent residence.

*Heliport.* A "heliport" is an area of land, water and/or a structure or building which is used or intended for use for the landing and taking off of helicopters, and any appurtenant areas which are used or intended for use for heliport buildings or other heliport facilities or

rights-of-way, including all necessary pads, helicopter storage and tie-down areas, hangars, and other necessary buildings and open spaces.

*Home occupation.* A "home occupation" is an occupation or profession, practiced by a member of the family residing on the premises, and which occupation is clearly incidental and secondary to the residential use of the dwelling provided that:

- A. No more than 15 percent of the total floor area of any one story is used to store commodity intended for sale or use elsewhere;
- B. No more than one person is either employed, or serves as an independent contractor other than members of the family residing on the premises;
- C. No mechanical or electrical equipment is used, except such as is permissible for purely domestic or household purposes;
- D. No accessory building is used for such home occupation purposes; and
- E. No more than 25 percent of the total floor area of any one story is used for home occupation purposes.

The residence of a professional person may be used by that professional for consultation, emergency treatment or performance of religious rites.

*Home rule.* "Home rule" is the principle under which certain local governments including Cook County are broadly authorized by Illinois law to enact laws, rules and regulations relating to their own property, affairs and government.

*Hospital.* A "hospital" is an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices and staff residences. The term hospital as used in this ordinance does not apply to institutions operating primarily for treatment of mental illness and alcohol addiction or other types of cases necessitating restraint of patients. The term hospital shall not include intermediate, extended, or long term care facility.

*Hotel.* A "hotel" is an establishment which is open to transient guests, in contradistinction to a boarding house, lodginghouse, or apartment hotel, and is commonly known as a hotel in the community in which it is located. Hotels provide customary services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk services, use and upkeep of furniture, and bellboy service.

*Hydrostatic pressure.* The upward pressure exerted on floor slabs or an entire structure by standing water or groundwater which tends to float a structure or crack the floor. It is based on the difference in elevation between the surface level of the water and the structure on which it is acting. Hydrostatic pressure may also be horizontal, imposing forces on

walls causing them to crack or fail.

*Incompatible use.* An "incompatible use" is a use or service which is incapable of direct association with certain other uses because it is contradictory, incongruous or discordant.

*Industrial animal farm.* An "industrial animal farm" is a mechanized farm operation, confined to a limited amount of space, to raise animals or poultry under controlled conditions of food, water and exercise.

*Inorganic material.* An "inorganic material" is one made from substances composed of matter other than plant, animal or certain chemical compounds or carbon, such as metals and glass.

*Integrated center.* An "integrated center" is a grouping of compatible uses on a single zoning lot, such uses being in single ownership or under unified control.

*Intermediate care facility.* An "intermediate care facility" is a facility that routinely provides, personal care, including dressing, eating and health related care and services to individuals who require such assistance but who do not require the degree of care and treatment that a hospital or skilled nursing facility provides.

*Junk car.* An automobile, truck or other motor vehicle which has been damaged to such an extent that it cannot be operated under its own power and will require major repairs before being made usable, or a vehicle which does not comply with State or Cook County statutes or ordinances.

*Junk yard.* A "junk yard" is an open area where junk, waste, scrap, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk yard includes automobile wrecking or salvage yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment. A junk yard does not include uses established entirely within enclosed buildings.

*Kennel, commercial.* A "commercial kennel" is any premises or portion thereof on which more than three dogs, cats or other domestic animals over six months of age are kept, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.

*Lake.* A "lake" is any natural or manmade body of water surrounded by land.

*Landfill, solid waste.* A "solid waste landfill" is the depositing of strictly inorganic nonputrescible materials and earth on a site that is below the normal elevation of adjacent lands for the purpose of bringing the site up to the average grade of adjacent parcels. This operation may be run as a business or may be noncommercial in nature. This type of landfill does not include normal grading of land prior to development.

*Landfill, dump.* A "dump landfill" is the uncontrolled depositing of refuse on a site without adequate control of the operation.

*Landfill, sanitary.* A "sanitary landfill" is a site for waste disposal of nonhazardous and nonmedical farm, residential, commercial or industrial waste, using sanitary land filling techniques.

*Limited access highway.* A "limited access highway" is a traffic way, including expressways and toll roads for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access, except at such points and in such manner as may be determined by the public authority jurisdiction over such traffic way.

*Live entertainment.* The term "live entertainment" means any musical act (including karaoke), theatrical act (including stand-up comedy), play, revue, scene, dance act or song and dance act, or any combination thereof, performed by one or more persons, whether or not they are compensated for the performance. Live entertainment applies to privately owned premises that are open to the public, whether or not admission is charged.

*Lodge.* A "lodge" is a hall or meeting place of a local branch or the members composing such a branch of a fraternal order, or society, such as the Masons, Knights of Columbus, Moose, American Legion and other similar organizations. It is permissible to serve food and meals on such premises, provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests is be allowed provided it is secondary and incidental to the promotion of some other common objective by the organization, and is in compliance with applicable Federal, State and Cook County statutes and ordinances.

*Lodging room.* A "lodging room" is a room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room for the purpose of this comprehensive amendment.

*Lodginghouse.* A "lodginghouse" is a building originally designed for or used as a single-family dwelling, all or a portion of which contains lodging rooms which

accommodate persons who are not members of the operator's family. Lodging or meals, or both, are provided for compensation on a weekly or monthly basis.

*Long-term care facility.* A "long-term care facility" is an institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for twenty-four or more consecutive hours to two or more patients.

*Lot.* A "lot" is a zoning lot, except as the context shall indicate a lot of record, in which case a "lot" is a lot of record.

*Lot area, gross.* The "gross lot area" is the area of a horizontal plane bounded by the front, side and rear lot lines.

*Lot, buildable area.* The "buildable area" of a zoning lot is the space remaining on a zoning lot after the minimum open space requirements of this ordinance have been complied.

*Lot, corner.* A "corner lot" is a lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

*Lot coverage.* The "lot coverage" of a lot is area of a lot occupied by the principal and accessory buildings.

*Lot depth.* The "lot depth" is the mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

*Lot frontage.* The "lot frontage" is that boundary of a lot along a public or private street.

*Lot, interior.* An "interior lot" is a lot other than a corner or reversed corner lot.

*Lot line.* A "lot line" is a property boundary line of lot. When a lot extends to an abutting street or alley, the lot line shall be the closest street or alley line.

*Lot line, front.* The "front lot line" shall be that boundary of a lot which is along an existing or dedicated public lot which is along an existing or dedicated public street or, where no public street exists, is along a public way; where such public way is not a dedicated street the right-of-way of such public way shall be deemed to be 66 feet, unless otherwise provided. On a corner lot the lot line having the shortest length abutting a street line shall be the front lot line.

*Lot line, rear.* The "rear lot line" shall be that boundary of a lot which is most distant from, and is, or is most nearly, parallel to the front lot line.

*Lot line, side.* The "side lot line" shall be any boundary of a lot which is not a front lot line or a rear lot line.

*Lot of record.* A "lot of record" is a lot which is a part of a Subdivision or a parcel of land the plat of which has been recorded in the Office of the Recorder of Deeds of Cook County or registered in the Office of the Registrar of Titles of Cook County prior to the effective date of this zoning ordinance.

*Lot, reversed corner.* A "reversed corner lot" is a corner lot the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

*Lot, through.* A "through lot" is a lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.

*Lot width.* The "lot width" is the mean horizontal distance between the side lot lines of a lot, measured within the lot boundary.

*Lot, zoning.* A "zoning lot" is a single tract of a land located within a single block, which is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. A "zoning lot" may or may not coincide with a lot of record.

*Map Amendment.* An amendment to the zoning map which modifies a property's zoning designation.

*Marquee or canopy.* A "marquee or canopy" is a roof like structure of a permanent nature which projects from the wall of a building and overhangs the public way.

*Massage.* The performance of manipulative exercises upon the human body of another by rubbing, kneading, stroking or tapping with the hand or hands, or with any mechanical or bathing device.

*Massage parlor.* A place, establishment or facility where a massage is made available.

*Massage school.* A place, establishment or facility which provides instructions in the theory, method and practice of massage.

*Mezzanine.* A "mezzanine" is an intermediate or fractional story between the floor and ceiling of a main story used for a purpose accessory to the principal use. A mezzanine is

usually just above the ground or main floor and extends over only part of the main floor.

*Micron.* A "micron" is a unit of length equal to 1/1,000 part of .001 millimeter.

*Mobile home.* See definition set forth in Mobile Home Park Ordinance of Cook County [Chapter 110, Article II of the Code].

*Mobile home park.* See definition set forth in Mobile Home Park Ordinance of Cook County [Chapter 110, Article II of the Code].

*Moderate burning material.* A "moderate burning material" is a material which in itself does not support combustion and which is consumed slowly as it burns.

*Motel.* A "motel" is an establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot. Motels are designed for use by transient motor vehicle tourists, and provide for parking space adjacent to a sleeping room. A motel furnishes customary hotel services such as maid service and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. In a motel less than 20 percent of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient motor vehicle tourists.

*Motor freight terminal.* A "motor freight terminal" is a building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate and interstate shipment by motor truck.

*Motor vehicle.* A "motor vehicle" is any passenger vehicle, motorcycle, recreational vehicle, truck, truck-trailer or semi-trailer propelled or drawn by mechanical power.

*Nameplate.* A "nameplate" is a sign indicating the name and address of a building, the name of an occupant of a building and/or the practice of a permitted occupation in a building.

*Nonconforming building or structure.* A "nonconforming building or structure" is any building or structure or portion thereof lawfully existing at the time of adoption of this ordinance, or any subsequent amendment, which:

- A. Does not comply with all of the regulations of this ordinance, or of any subsequent amendment, for the zoning district in which such building or structure is located; or
- B. Is designed or intended for a nonconforming use.

*Nonconforming lot.* A "nonconforming lot" is a lot of record which when recorded

met the minimum lot area and other dimension requirements of the zoning ordinance of Cook County, but through subsequent amendments to such ordinances or other acts of a public body, has become a lot of record in conflict with the minimum lot area and/or other dimension requirements of Cook County.

*Nonconforming use.* A "nonconforming use" is any use of land, buildings or structures lawfully existing at the time of adoption of this ordinance, or any subsequent amendment, which use does not comply with the permitted uses in the zoning district in which such use is located.

*Nonputrescible material.* A "nonputrescible material" is a material or substance not subject to decomposition or decay.

*Octave band.* An "octave band" is a means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

*Octave band filter.* An "octave band filter" is an electrical frequency analyzer designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals.

*Odorous matter.* An "odorous matter" is any matter that yields an odor which is offensive in any way.

*Ordinance(s).* Any reference to "ordinance(s)" shall be construed as meaning any applicable Cook County ordinance. Reference to "this ordinance" shall be construed as meaning the Cook County Zoning Ordinance of 2001.

*Organic material.* An "organic material" is a material or substance composed of chemical compounds of carbon in combination with other chemical elements (often hydrogen) and generally manufactured in the life processes of plants and animals. Organic substances include paper, wood, food and plastic as well as the waste products of these and similar materials.

*Particulate matter.* A "particulate matter" is material, other than water, which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or gold.

*Performance standard.* A "performance standard" is a criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards or glare or heat generated by, or inherent in, uses of land or buildings. The more frequently used performance criteria include:

- A. *Active to intense burning* is the rate of combustion described by materials that burn with a high degree of activity and are consumed rapidly. Examples include sawdust, powdered magnesium and pyrozylin.



B. *Closed cup flash point* is the lowest temperature at which a combustible liquid, under prescribed conditions, will give off a flammable vapor which will burn momentarily.

C. *Decibel* is a unit which describes the sound pressure level or intensity of sound. A sound level meter is calibrated in decibels.

*Planned unit development (PUD)*. A "planned unit development" is a tract of land which is developed as a unit under single ownership or unified control, which includes one or more principal buildings or uses, and is processed under the planned unit development provisions of this ordinance.

*Planned unit development plat*. A "planned unit development plat" is a drawing or map made to measurable scale upon which is presented a description and definition of the way in which the design requirements of the planned unit development are to be met. A plat is intended for recording with the Cook County Recorder of Deeds.

*Private water supply*. A "private water supply" is any facility which furnishes water for general domestic purposes which serves less than ten separate lots or premises.

*Property lines*. "Property lines" are the lines bounding a zoning lot, as defined herein.

*Public way*. A "public way" is any sidewalk, street, alley, highway or other public thoroughfare.

*Pumping station*. A "pumping station" is a station at which sewage, storm water or water is pumped to a higher level.

*Railroad right-of-way*. A "railroad right-of-way" is a strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or railroad car yards.

*Recording (of a document)*. A "recording" shall mean to officially record a document in the Office of the Cook County Recorder of Deeds or when it was applicable, to have registered a document (in Torrens) with the Cook County Registrar of Titles.

*Recreation club*. A "recreational club" is a nonprofit association of persons who are bona fide members paying annual dues and who own, hire, or leases land or buildings or a portion thereof. The use of such premises are restricted primarily to the principal use, which is a generally recognized sport or recreational activity. The premises shall be restricted to members and their guests. The affairs and management of such recreational club are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting. It is permissible to serve food and meals on such premises, provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests is allowed provided it is secondary

and incidental to the promotion of some recognized sport or recreational activity and is in compliance with applicable Federal, State, and Cook County statutes and ordinances.

*Reservoir.* The term "reservoir" is commonly applied to waters held in storage in either artificial or natural basins and impoundments primarily for a source of water for power, municipal, industrial domestic or flood control uses.

*Reservoir parking.* A "reservoir parking" facility provides off-street parking spaces for automobiles awaiting entrance to a particular establishment.

*Retention.* A "retention" is the permanent on-site maintenance of storm water.

*Ringelmann Chart.* The "Ringelmann Chart" is one which is described in the U.S. Bureau of Mines Information Circular 6888, on which are illustrated graduated shades of grey for use in estimating the light-obscuring capacity of smoke.

*Ringelmann Number.* The "Ringelmann Number" is the number appearing on the Ringelmann Chart ascribed by the observer to the density of the smoke emission. Where the density of light obstructing capacity of the smoke as observed falls between two consecutive Ringelmann Numbers, the lower Ringelmann Number shall be considered the density of the smoke observed.

*Risk premium rate zones.* A "flood hazard area" is designated according to the degree of flooding an area would experience during a base flood. The symbols used to designate these zones are as follows:

- A. "A"-Areas of 100-year flood; base flood elevation and flood hazard factors not determined.
- B. "AO"-Areas of 100-year shallow flooding where depths are between one and three feet; average depths of inundations are shown, but no flood hazard factors are determined.
- C. "AH"-Areas of 100-year shallow flooding where depths are between one and three feet; base flood elevations are shown, but no flood hazard factors are determined.
- D. "A1"-Areas of 100-year flood; base flood.
- E. "A30"-elevations and flood hazard factors determined.
- F. "B"-Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood (medium shading).
- G. "C"-Areas of minimal flooding (no shading).

*Riverine.* A "riverine" relates to, is formed by or resembles a river (including

tributaries), stream, creek or brook.

*Roadside stand.* A "roadside stand" is a structure erected for the display and sale of agricultural products. Agricultural products are generally grown on site or on other premises owned or used by the operator of the roadside stand. There are two distinct types of roadside stand operations:

- A. *Accessory roadside stand.* An "accessory roadside" stand is located on the same premises as a farm which is in conformance with this ordinance. All products or produce not grown on land owned by the operator of the roadside stand must be certified by the Cook County Zoning Board of Appeals as being of a purely agricultural nature. An accessory roadside stand may be no more than one story in height nor may it contain more than 500 square feet of retail floor area.
- B. *A commercial roadside stand.* A "commercial roadside" stand is located apart from a functioning farm, and it generally sells products which are grown off the premises. It must be located in a commercial zoning district and comply with all site and structure provisions of the applicable zoning district. A commercial roadside stand may sell up to five products not of an agricultural nature if so authorized by the Zoning Board of Appeals.

*Sanitary landfill.* See *Landfill, sanitary.*

*Sanitary land filling.* A "sanitary land filling" is an engineered method of waste disposal where the waste is spread in thin layers, compacted to the smallest practical volume and covered with earth and/or sod at the end of each working day, or more frequently, as conditions warrant.

*Setback.* A "setback" is the minimum horizontal distance between the building or structure and any lot line.

*Sewage treatment plant.* A "sewage treatment plant" includes any method, construction, device or appliance appurtenant thereto, used for the purpose of treating, neutralizing, stabilizing, disinfecting or disposing of sewage, industrial waste or other wastes, or for the recovery of by-products from such sewage, industrial wastes or other wastes.

*Sign.* A "sign" is a name, identification, description, display or illustration which is affixed to or placed directly or indirectly upon or adjacent to buildings, structures or zoning lots and which directs attention to objects, products, places, activities, persons, institutions, organizations or businesses. However, signs shall not include any display of

official court or public office notices nor shall signs include flags, emblems or insignias of nations, political units, schools or religious groups. Signs as defined here do not include signs located completely within an enclosed building.

*Sign, advertising.* An "advertising sign" is a sign which directs attention to businesses, commodities, services or entertainment.

*Sign, billboard.* A "billboard sign" is a sign that directs attention to a business, person, activity, commodity, product, good, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

*Sign, identification.* An "identification sign" is a sign which states the name of the residents, businesses, developments or establishments, and/or the address of the buildings or developments, and/or the occupation of the residents or tenants, but which do not contain any advertising.

*Sign, illuminated.* An "illuminated sign" is a sign with a source of illumination that is a fundamental part of the sign.

*Sign, indirectly illuminated.* An "indirectly illuminated sign" is a sign with a source of illumination which is accessory to the sign and where such source of illumination is intended to indirectly illuminate such sign.

*Sign, multiple message.* A "multiple message sign" means a billboard or off-premises outdoor advertising sign that displays a series of message changes, regardless of the technology used. A multiple message sign provides for a fixed message of at least ten seconds in length with a transition time between message changes of three seconds or less. Multiple message signs contain a default design that will freeze the message in one position if a malfunction occurs.

*Sign, novelty.* A "novelty sign" is a banner, flag, pennant, object, streamer or other attention-getting device or display including, but not limited to, inflated objects which are attached to buildings or property.

*Sign, off-premises.* An "off-premises sign" means any sign that relates to a business, person, activity, good, product, service or facility which is unrelated to the principal use on a zoning lot.

*Sign, on-premises.* An "on-premises sign" means any sign that relates to a business, person, activity, good, product, service or facility which is related to the principal use on a zoning lot.

*Sign, portable.* A "portable sign" means any sign that is not permanently attached to the ground, structure or building and which is designed to be transported.

*Sign, sign face area.* The "sign face area of a sign" shall be the entire area within a single continuous perimeter enclosing the extreme limits of the sign.

*Sign, temporary.* A "temporary sign" means any sign which contains information which is not of a permanent character, or the physical features of such sign, such as its structure, is not of a permanent character, or both. Such signs include, but are not limited to, political signs, garage sale signs, real estate signs, and for rent signs, but do not include novelty signs.

*Sign, traffic.* A "traffic sign" means a sign which directs or guides a person to a facility intended to serve the public, including entrances, exits, restrooms, public telephones, walkways, parking areas and similar facilities. Traffic signs shall not identify an establishment or other goods and services available at an establishment and shall not contain advertising messages.

*Similar use.* A "similar use" is a property, use or service possessing physical and/or activity characteristics which resemble certain other uses.

*Slow burning or incombustible materials.* "Slow burning" or "incombustible" material identifies materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, nor actively support combustion during an exposure for five minutes at a temperature of 1200 degrees Fahrenheit, shall be designated "incombustible".

*Smoke unit.* A "smoke unit" is the number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation, each reading is then multiplied by the time in minutes during which it was observed. The various products are then added together to give the total number of smoke units observed during the entire observation period.

*Sound level.* A "sound level" of an operation or use is the intensity of sound, measured in decibels, produced by such operation or use.

*Sound level, meter.* A "sound level meter" is an instrument designed to measure sound pressure levels and constructed in accordance with the requirements for General Purpose Sound Level Meters published in the American National Standards Institute Standard No. 81.4-1971 or its latest revision.

*Sound pressure level.* A "sound pressure level" is the intensity of a sound, measured in decibels.

*Specified anatomical areas.* A "specified anatomical area" is defined as:

- A. Anatomical areas if less than completely and opaquely covered by a bathing suit, blouse, shirt, dress, pants, leotard or other wearing apparel or fabric.
  - 1. Any portion of the genitals or pubic region.
  - 2. Any portion of the buttocks.
  - 3. Female breast(s) below a horizontal line across the breast at a point immediately above the top of the areola, including the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast.
- B. Genitals in a discernible turgid state, even if completely and opaquely covered.
- C. Paint, latex or other nonfabric coverings shall not satisfy the requirement of coverage, irrespective of whether the coverage is complete or opaque.

*Specified sexual activity.* A "specified sexual activity" is defined as:

- A. Human genitals in a state of sexual stimulation or arousal.
- B. Acts of human masturbation, sexual intercourse or sodomy.
- C. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

*Stable, private.* A "private stable" is a detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

*Stables and/or riding academies, commercial.* A "stable and/or riding academy noncommercial" is the grounds and buildings where horses are bred, raised, boarded or kept for remuneration, hire or sale.

*Stables and/or riding academies, noncommercial.* A "stable and/or riding academy noncommercial" is the grounds and buildings designed, arranged, used or intended to be used for the boarding, keeping or housing of horses for the private use of the owner. Such use may be located on a lot occupied by residential uses or may be located on a lot occupied by the equestrian facilities of a private riding club. All such uses shall be operated as not-for-profit facilities.

*Stream.* A "stream" is any natural, artificial or channelized water course that transports continuous or periodic flowing water.

*Street.* A "street" is a public or private right-of-way which affords a primary means of access to abutting property, but excepting driveways to buildings.

*Structural alteration.* A "structural alteration" is any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal or alteration of bearing walls, columns, beams, girders, or foundations.

*Structure.* A "structure" is an assembly of materials forming a construction for occupancy or use, including but not limited to buildings, stadia, reviewing stands, platforms, antenna towers, observation towers, radio towers, windmills, open sheds, shelters, coal silos, gas or liquid storage tanks, display signs, piers, fences and trestles.

*Substantial improvement.* A "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of a building commences, whether or not that alteration affects the external dimensions of the structure.

*Substantial improvements in a floodable area.* Any repair, reconstruction or improvements to the external dimensions of a structure which cost 50 percent or more of the market value of the structure (either before the improvement has begun or after it has been completed) is considered "substantial improvements in a floodable area". Any repair, reconstruction or improvements to a structure that has been damaged and is being restored which cost 50 percent or more of the market value of the structure before the damage occurred is considered substantial improvements in a floodable area. The term substantial improvements in a floodable area, however, does not include:

- A. Improvements of a structure to comply with existing state or local health, sanitation or safety code specifications necessary to assure safe living conditions,
- B. Alterations to a structure or site documented as deserving preservation by the Illinois Department of Conservation or listed on the National Register of Historic Places. No improvement shall result in an increase by more than 20 percent of the square footage of land area occupied by currently existing real estate improvements.

*Surface water elevation.* The "surface water elevation" is the normal water level elevation of a lake, stream or stream bed as depicted on United States Geological Survey (U.S.G.S.) floodplain topographic maps. If surface water elevation datum specified by the Illinois Department of Transportation, Division of Water Resources is more current than U.S.G.S. floodplain topographic maps, Division of Water Resources information may be used.

*Telecommunications carrier, wireless communication transmitting and receiving facility.* A "telecommunications carrier, wireless communication transmitting and receiving facility" is a facility which consists of a combination of improvements and

equipment, including but not limited to towers, antennas, wires, electrical cabinets, and foundations, that is operated pursuant to applicable federal licenses and includes antenna devices by which signals are transmitted and/or received.

*Tent.* A "tent" is any structure or enclosure, the roof of which and/or one-half or more of the sides, are constructed of silk, cotton, canvas, fabric or a similar light material.

*Text Amendment.* A change in the development standards in one or more zoning districts.

*Theater.* An establishment used to observe films and other visual material which is not an adult motion picture theater.

*Three-component measuring system.* A "three-component measuring system" denotes instrumentation which can measure earthborn vibrations in three directions, that is, vibration occurring in a horizontal as well as a vertical plane.

*Toxic or noxious substances.* Any solid, liquid or gaseous matter, including but not limited to gases, vapors, dusts, fumes and mists containing properties which by chemical means are inherently harmful and likely to destroy life and impair health or are capable of causing injury to the well-being of persons or damage to property are considered "toxic or noxious substances."

*Trailer.* See definition set forth in Mobile Home Park Ordinance of Cook County [Chapter 110, Article II of the Code].

*Trailer-camper parks.* A "trailer-camper park" is a residential facility designed, used or intended to be used to accommodate the over-night or temporary location, hookup or use of its facilities for travel trailer, camp trailer and recreation vehicles.

*Transitional residence.* A temporary residential living arrangement for persons who are receiving therapy or counseling for purposes which include, but are not limited to:

- A. Drug or alcohol addiction.
- B. Imprisonment including pre-release, work-release, and probationary programs.
- C. Family and school adjustment problems which require special attention and care in order to achieve personal independence.
- D. Victims of domestic abuse.

*Unified control.* The combination of two or more tracts of land wherein each owner has agreed that his tract of land shall be developed as part of a planned unit development and shall be subject to the control applicable to the planned unit development.

*Use.* The "use" of property is the purpose or activity for which the land or building is designed, arranged or intended, or for which it is occupied or maintained, and shall include



any manner of performance of such activity with respect to the performance standards of this ordinance.

*Use, permitted.* A "permitted use" is a use which may be lawfully established in a particular district, provided it conforms with all requirements, regulations and performance standards (if any) of such district.

*Use, principal.* A "principal use" is the main use of land or buildings as distinguished from a subordinate or indicates otherwise accessory use. A principal use may be either permitted or special.

*Use, special.* A "special use" of land or buildings, or both, described in this ordinance is a use subject to special provisions because of unique characteristics that do not allow the use to be properly classified as a permitted use.

*Variance.* A "variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

*Vibration.* A "vibration" is the periodic displacement, of earth, measured in inches.

*Warehouse.* A "warehouse" is a structure, or part of a structure or area used principally for the storage of goods and merchandise.

*Waste transfer facility.* A "waste transfer facility" is a facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site.

*Water supply system, individual.* The "individual water supply system" of a building or premises consists of the water service pipes, water distribution pipes and the necessary connecting pipes, fittings, control valves and all appurtenances in or adjacent to the building or premises.

*Water supply system, public.* A "public water supply system" means collectively all property involved in a water utility, including land, water sources, collection systems, dams and hydraulic structures, distribution systems and other appurtenances, pumping stations, treatment works and general properties, or any parts thereof.

*Watercourse.* A river, stream, creek, brook, branch or other drainageway into which storm water runoff and floodwaters flow either regularly or intermittently.

*Waterworks.* A "waterworks" refers to and includes a waterworks system in its entirety or any integral part thereof, including hydrants, meters, valves, standpipes, storage tanks

and all other elements useful in connection with a water supply or water distribution system.

*Well.* A "well" is an underground source of water made accessible by drilling or digging to the level of the water table.

*Wholesale establishment.* A "wholesale establishment" is a business establishment engaged in selling to retailers or jobbers rather than consumers.

*Yard.* A "yard" is an open space, on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in Article 8. A yard extends along a lot line, to a depth or width specified in the yard requirements for the zoning district in which the zoning lot is located.

*Yard, corner side.* A "corner side yard" is a side yard which faces a public street.

*Yard, front.* A "front yard" is a yard extending along the full length of the front lot line between the side lot lines.

*Yard, interior side.* An "interior side yard" is a side yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

*Yard, rear.* A "rear yard" is a yard extending along the full length of the rear lot line between the side lot lines.

*Yard, side.* A "side yard" is a yard extending along a side lot line from the front yard to the rear yard.

*Yard, transitional.* A "transitional yard" is a yard which must be provided on a commercial zoning lot which adjoins a zoning lot in a residence district, or that yard which must be provided on an industrial zoning lot which adjoins a zoning lot in either a Residence or Business District.

*Zero lot line residence.* A detached single-family dwelling unit which is built to one of the side lot lines. A "zero lot line residence" is generally constructed within a planned unit development or when clustering residential units.

*Zoning administrator.* The "zoning administrator" is a person appointed by the President of the Board of Commissioners who is vested with administrative responsibilities regarding this ordinance. The Office of the Zoning Administrator is wholly contained within the Cook County Department of Building and Zoning.

*Zoning board.* The "Zoning Board" is the Zoning Board of Appeals of Cook County.

*Zoning district.* A "zoning district" is a sections or sections of the unincorporated territory of Cook County for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

Effective Date: This Proposed Ordinance Amendment shall be in effect immediately upon passage and approval.

**Vice Chairman Murphy, seconded by Commissioner García, moved to Approve Communication No. 324315 as Substituted. The motion carried.**

319867      DOCKETS #4914 8843 & #8844 - M & D UNLIMITED, INC., Owner, Route 5 South Hwy 59, Barrington, Illinois, Application (No. SU-12-13 & V-12-46; Z12059 & Z12060). Submitted by Barrington Pools, Inc., ~~Route 5 South Hwy 59, Barrington, Illinois.~~ Seeking a SPECIAL USE, UNIQUE USE and VARIANCE in the R-1 Single Family Residence District to expand a lawfully existing Special Use (SU-88-05) to continue to operate a swimming pool sales and parts business that includes administrative/business offices, sales showroom and equipment and material storage for a retail swimming pool business (if granted under the companion V-12-46), ~~to reduce required rear setback to 5.69 feet; and reduce required interior (South) side setback to 4.29 feet) in Section 21 of Barrington Township. Property consists of 0.65 of an acre, located on route 5 South Hwy 59 to reduce rear year setback from the minimum required 100 feet to 5.69 feet (existing) and right interior side yard setback from the minimum required 30 feet to 4.29 feet (existing for metal buildings for storage of pool equipment and supplies (if granted under the companion SU-12-13), in Section 21 in Barrington Township, County Board District #14. Intended use: Continued operation as a swimming pool sales business and metal buildings for storage of pool equipment and supplies.~~

**Recommendation: That the application be granted.**

**Conditions:**      None

**Objectors:**      None

**\*Referred to the Zoning Board of Appeals on 09/10/12.**

**\*\*02/5/13 Deferred to the February 27, 2013 Zoning & Building Committee Meeting.**

**\*\*\*02/27/13 Deferred to the March 20, 2013 Zoning & Building Committee Meeting.**

**\*\*\*\*03/20/13 Deferred**

**Vice Chairman Murphy, seconded by Commissioner Sims, moved to Defer Communication No. 319867 to the Zoning and Building Committee meeting September 11, 2013. The motion carried.**

**Commissioner Steele, seconded by Commissioner Sims, moved to Suspend the rules to consider the Supplemental Agendas. The motion carried.**

321275

AN AMENDMENT TO CHAPTER 38, HEALTH AND HUMAN SERVICES, SECTION 38-51 THROUGH SECTION 38-55 (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, President and Jesus G. Garcia and Peter N. Silvestri, County Commissioners.

PROPOSED ORDINANCE AMENDMENT

**AMENDING PUBLIC HEALTH AND PRIVATE NUISANCE ORDINANCE**

**WHEREAS**, an amendment to clarify the relationship between the Department of Public Health and the Department of Building and Zoning is timely given the recent enactment of the Cook County Vacant Building Ordinance.

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 38 Health and Human Services, Sections 38-51 through 38-55 of the Cook County Code is hereby amended as follows:

**Sec. 38-51. Purpose and jurisdiction.**

(a) *Title*. This article shall be known as the "Public Health and Private Nuisance Ordinance" of Cook County, Illinois.

(b) *Purpose*. This article shall be liberally construed and applied to protect and improve the public health and the quality of life for ~~citizens~~ individuals residing in the unincorporated area of Cook County.

(c) *Jurisdiction*. The provisions of this article apply to the unincorporated area of Cook County and such other areas as may be designated by the Cook County Board of Commissioners in accordance with State Statutes but excluding all publicly owned property or rights-of-way under the jurisdiction of any governmental agency.

(d) *Enforcing Authority*. The Cook County Department of Public Health and Cook County Sheriff shall enforce this Ordinance with respect to all properties within the area of jurisdiction described above, including vacant lots, but excluding vacant buildings which shall be enforced by the Cook County Department of Building and Zoning as defined in the Cook County Vacant Building Ordinance, Sec. 102-2 et seq..

~~(d)~~(e) *Severability*. If any section, paragraph, sentence, clause or phrase of this article is declared unconstitutional or the application thereof is held invalid, it shall not affect the validity of the remainder of this article and the application of such provisions to other persons and circumstances.

**Sec. 38-52. Definitions.**

Unless the context clearly requires otherwise, the words and phrases set forth herein shall have the meanings set forth in this article. Words and phrases not defined in this article shall have the meaning indicated by common dictionary definition.

*Compost* shall mean a humus-like product derived from the process of composting waste, which may be used as a soil conditioner.

*Compost bin* shall mean a structure constructed of durable nontoxic, noncarcinogenic material, such as rot-resistant wood, block, or sturdy woven wire fencing, for the purpose of containing a compost pile, or a commercially available container designed specifically for composting, distinct from a garbage or waste container.

*Composting* shall mean the biological treatment process by which microorganisms decompose the organic fraction of waste, producing compost. Only materials generated by the residents of the property where the compost pile or bin is located are permitted to be composted. Examples of permitted materials include: grass clippings, leaves, weeds that have not gone to seed, non-diseased plants, evergreen cones or needles, straw, sawdust, wood ashes, fruit or vegetable scraps, coffee grounds, eggshells, and commercially available ingredients specifically designed to speed or enhance decomposition. Examples of prohibited materials include: ~~fats, oils, grease, or lard; dairy or meat products;~~ human or pet feces; diseased plant waste; poisonous substances; chemically treated lumber, sawdust from chemically treated lumber, or other chemically treated materials; inorganic material; and other materials that may attract vectors. Fats, oils, grease, or lard, and dairy or meat products shall only be composted in accordance with Bokashi composting methods, which require materials to be sealed in an airtight container and subsequently buried underneath soil in a sealed or rodent proofed container. Proper composting techniques including, but not limited to, timely aeration, soil addition and the monitoring of moisture content shall be maintained. Equine waste may, however, be composted in accordance with all Illinois Department of Agriculture regulations. Such composting of equine waste is only allowed in areas where the Cook County Zoning Ordinance permits keeping of horses. It is not the intent of this section to prohibit farmers or gardeners from incorporating bovine or equine waste into the soil for fertilizer.

*Domestic sewage* shall mean waste water emanating principally from, but not limited to: dwellings; business or office buildings; institutions; food service establishments and similar facilities; recreational, construction, office, and school trailers or similar facilities. Domestic sewage may contain, but is not limited to, human excrement, laundry waste water, kitchen and bathroom waste water, water used for cleaning, water from building floor drains, and water used for processing. The term does not include surface drainage water or footing water.

*Garbage* shall mean putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food. Domestic sewage containing human excrement or body waste is not defined as garbage.

*Health Department* shall mean the Cook County Department of Public Health.

*Improperly treated domestic sewage* is domestic sewage that comes to the ground surface directly from any component of a conventional subsurface septic tank and seepage tile system, and domestic sewage emanating from a malfunctioning or broken public outdoor building sewer serving a structure listed in the definition for "domestic sewage" hereinabove and occurring within the property line. It is also defined as any direct surface sewage discharge from a mobile conveyance holding tank, pumper truck tank, or an

improperly designed, maintained, or installed sanitary dump station. In cases where surface discharges of treated effluent have been allowed, the domestic sewage shall be deemed improperly treated if the treated effluent is not in compliance with any applicable provision of Section 905.110(d) of the Illinois Code, 77 Ill. Adm. Code 905, Private Sewage Disposal Licensing Act and Code. (2003).

*Litter* shall mean paper; cigarette butts; glass; plastic; grass clippings, or other lawn, yard, or garden waste such as leaves, twigs, tree branches, and tree roots that are less than a one-half inch in diameter, uprooted weeds, shrubbery cuttings, brush, and plant stalks; needles, syringes, and lancets; carcasses of dead animals, excrement from domestic pets, manure from other domesticated animals; and other nonputrescible waste.

*Mold* shall mean any microscopic fungi, including mushrooms and yeasts.

*Person* shall mean means any individual, corporation, limited liability corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity.

*Serial violation* shall mean one in which the violator has received two or more notices for the same or substantially similar violations from the health department within two years.

*Vectors* shall mean any arthropod, rat, mouse, bird, or other animal capable of carrying disease producing organisms to a human host. It does not include animals that transmit disease to humans only when used as food.

**Sec. 38-53. General provisions.**

(1) Representatives of the Health Department are hereby authorized and empowered to make all inspections of buildings, structures, property, and premises.

(2) Representatives of the Health Department may enter all buildings, structures, property, and premises in order to enforce the provisions of this article during reasonable hours subject to reasonable notice. Such representatives shall have the authority to make such decisions and determinations as are necessary with respect to the enforcement of this article, and impose such requirements and orders as are necessary to bring such buildings, structures, property, and premises into compliance with this article.

(3) Failure to grant access to any building, structure, property, or premises to determine compliance with this article after written notice from the Health Department is a separate violation of this article punishable in accordance with the penalties section of this article [Section 38-55].

(4) It shall be deemed a separate violation of this article for any person to knowingly furnish any false or misleading Submission of any information or complaint either in writing or orally to the Health Department that contains false or misleading information is a separate violation of this article, and said violation shall be punishable in accordance with the penalties section of this article [Section 38-55].

(5) When an investigation, whether based upon complaint or otherwise, ~~shall disclose~~ that ~~a violations~~ of this article exists, the Health Department shall give notice in writing to the owner, occupant, lessee, or person in possession, charge or control of such building, structure, property, or premises, to make such changes, alterations, repairs, or to perform such work, or to take such action to correct the violations ~~within such time as shall be designated by the Health Department.~~ The In no event will this time period for making any corrections shall be designated by the Health Department, and shall not exceed 30 days after the service of such notice, unless otherwise authorized in writing by the Health Department's Director of Environmental Health Services.

(6) In the event that satisfactory changes, alterations, repairs, work, or actions have not been ~~initiated~~ made within the time ~~specified in said notice~~ designated by the Health Department per Section 38-53(5) above, the Health Department ~~may~~ shall issue a citation and schedule a hearing before the ~~Administrative Hearings Department of Cook County,~~ pursuant to the rules and procedures of that Department, or notify the State's Attorney's Office of such violations of this article or any default of such notice, and recommend legal prosecution. The discretion to extend the period for making any corrections beyond the time designated by the Health Department per Section 38-53(5) above shall be reserved to the hearing officer or judge.

(7) In the event of a serial violation of any provision of this article, the Health Department may request prosecution by the State's Attorney's Office after seven days' notice, excluding weekends and county holidays, to the owner, occupant, lessee, or person in possession, charge or control of such building, structure, property, or premises.

(8) Representatives of the Health Department are authorized to ~~request~~ obtain assistance from the Cook County Sheriff's ~~Police Office~~ to help serve an administrative warrant, a search warrant, or other notices.

(9) If any condition not covered by this article is observed that may be injurious to the safety of the public, representatives of the Health Department ~~may~~ shall request the assistance of the Cook County Department of Building and Zoning. Such matters include but are not limited to: municipal sewer systems; municipal water systems; electrical systems; plumbing; excavations; unsafe buildings; fire prevention and safety; ventilation, including air exchanges; lighting and heating; drainage; grading; standing water problems; structural integrity; occupancy; property maintenance; and similar matters where the Cook County Department of Building and Zoning has inspectional authority.

(10) Authorization is given to members of the general public who are directly affected by any violation of this article to seek enforcement of the provisions of this article based upon the citizen's sworn by making a complaint filed with the Department of Public Health or filing a complaint with the Clerk of the Circuit Court of Cook County and prosecuted as provided by law.

(11) The Health Department has the authority to promulgate rules and regulations to carry out the intent and purpose of this article. Failure to comply with the rules and regulations promulgated by the Health Department is a separate violation of this article punishable according to the penalties section of this article.

**Sec. 38-54. Declared nuisances.**

The following are declared to be public nuisances that are injurious to the public health, and therefore, it is unlawful for any person to commit any of the following acts:

- (1) To deposit or throw garbage or litter onto the ground surface, property, or in any water course, lake, pond, spring, well or common sewer.
- (2) To allow garbage or litter to accumulate on the ground surface, property, or in any water course, lake, pond, spring, well or common sewer on property that is under their control or ownership regardless of who threw or deposited the garbage or litter there.
- (3) To deposit or throw garbage or litter into a garbage container or a waste container owned by another person without the consent of the owner or person in possession of said container.
- (4) To burn garbage in the open.
- (5) To use a garbage container or a waste container that is not fly tight.
- (6) To use a garbage container or waste container that is not constructed from nonabsorbent, durable, metal or hard plastic material and that is not provided with a tight fitting cover. The use of a plastic bag for the outside storage of garbage is prohibited, except when placed for regular scavenger pickup by a State of Illinois licensed waste hauler and only during the daylight hours of the day of pickup.
- (7) To use a garbage container or a waste container for the outside storage of garbage by a commercial establishment that is not placed on a paved, well-drained surface.
- (8) To use a garbage container or waste container that has holes or other defects for the outside storage of garbage and litter.
- (9) To fail to have garbage and/or litter removed from the premises at least once a week by a State of Illinois licensed waste hauler. A person who controls a residence or a commercial, service, industrial, or business entity located in the unincorporated area shall keep records of such removal service for at least one year, and shall make these available for inspection by the Health Department upon request. Failure to provide a current record or bill from the waste hauler at the time of the inspection will be considered prima-facie evidence that such service does not exist.
- (10) To leave the lid off a garbage container except when placed for scavenger pickup by a State of Illinois licensed waste hauler and only during the daylight hours of the day of pickup.
- (11) To use unsanitary, leaking, or defective garbage or waste containers. All containers shall be cleaned, repaired or replaced by the owner or person in control of the property.
- (12) To store, dump, or permit the accumulation of tires, buckets, cans, wheelbarrows, garbage cans, or other containers in a manner that may hold water and harbor vectors.



(13) To dump, deposit, drop, throw, discard, or leave litter or garbage, or to cause or permit the dumping, depositing, dropping, throwing, discarding or leaving litter or garbage upon any public or private property except as may be allowed by local or State agencies.

(14) To dispose of health care items such as needles, syringes, lancets, and other sharp objects without first placing these objects in a hard plastic container or a metal container that are provided with a screw on lid or other tightly secured lid.

(15) To allow pets to defecate on property owned by another person or ~~entity~~ without permission unless such waste is picked up and promptly removed from said property.

(16) To allow pet waste to accumulate on the ground surface of property under their control or ownership regardless of who owns the domestic pet.

(17) To have more than three adult companion animals living at any one individual residential unit. The term companion animal shall include domestic dogs, domestic cats, and ferrets. For purposes of this article, an animal shall be considered an adult when it reaches four months of age.

(18) To discharge improperly treated domestic sewage from a sewage disposal system serving the property under their ownership or control to the ground surface, farm tiles, streams, rivers, ponds, lakes, storm sewers, roadside ditches, other collectors of water, water well, cisterns, basements, underground mines, caves, sinkholes, tunnels, wells, or in a manner that does not comply with the requirements of Ill. Code, 77 Ill. Adm. Code 905, Private Sewage Disposal Licensing Act and Code (2003). The existence or appearance of any fluorescein dye on the ground surface or otherwise outside of a septic tank and seepage tile system that has been so dyed shall be deemed to be prima facie evidence that such system is discharging improperly treated sewage to the ground surface in violation of this article.

(19) To fail to provide clean and sanitary public or employee restrooms.

(20) To improperly maintain a public or residential swimming pool, or wading pool or any other man made basin or container of water that is offensive, injurious, or dangerous to the public health.

(21) To permit the accumulation of outdoor litter to such an extent that it may harbor vectors that are offensive, injurious or dangerous to the public health.

(22) To compost in a manner that is not permitted in this article.

(23) To locate or place a compost pile or bin in either the front yard or the side yard of a lot.

(24) To use residential type compost piles or bins that are more than five feet in height and/or have a combined ground base area of more than one hundred square feet. Bins shall be structurally sound and kept in a state of good repair.

- (25) To place compost piles or bins over a drainage-way of any kind.
- (26) To allow any garbage site, premises, building, structure, or property to become infested with vectors.
- (27) To permit a water well or cistern to be unplugged, unsealed, or uncovered at any time after its abandonment for more than 30 days unless prior written approval is obtained from the health department.
- (28) To own, maintain, or keep ~~or use~~ a building or structure that is unfit for human habitation or occupancy. A building or structure is unfit for human habitation or occupancy if it does not contain any or all of the following:  
  
 Properly functioning, maintained, and installed potable water system, or  
  
 Electricity or gas for cooking and/or heating, or  
  
 Properly functioning equipment for heating the building, or  
  
 Properly functioning appliances for cooking and refrigerating food, or  
  
 e. A properly functioning, maintained, and installed sewage disposal system.
- (29) To own or maintain rental property that contains excessive moisture or water that has or may result in indoor mold growth.
- (30) To allow a privy vault to exist that is not fly-tight.
- (31) To leave any septic tank, cesspool, pit privy, aerobic treatment plant, or seepage pit in the ground after discontinuing its use as a component of a sewage disposal system without first having the contents pumped by a State of Illinois and Cook County-licensed septage hauler. Once pumped, the tank, cesspool, pit privy, treatment plant, or seepage pit must either be removed from the ground or broken, cracked, or crumbled and filled with sand or compacted soil.
- (32) To dispose of domestic waste by any means that is not specifically authorized by either the Illinois Environmental Protection Agency or the health department.
- (33) To maintain any building, structure, property, or premises or any part thereof that is unsanitary, unhealthy, or ~~and~~ unfit for human habitation, occupancy, or use.
- (34) To fail to ~~cut~~ maintain grass; and weeds below 10 inches in height, or to fail to cut brush in a manner that may harbor vectors.
- (35) To discharge wastewater from aerobic treatment plants in a manner that does not comply with 77 Ill. Adm. Code 905, Private Sewage Disposal Licensing Act and Code (2003).

- (36) To fail to provide temporary toilet facilities at a construction site.
- (37) To construct, install, repair, modify or maintain a private sewage disposal system in a manner that does not comply with 77 Ill. Adm. Code 905, Private Sewage Disposal Licensing Act and Code (
- (38) To pump, haul, and/or dispose of waste from a private sewage disposal system in a manner that does not comply with 77 Ill. Adm. Code 905, Private Sewage Disposal Licensing Act and Code (2003).
- (39) To fail to provide the vertical and/or horizontal separation distance between water lines and sewer lines in a manner that does not comply with 77 Ill. Adm. Code 905, Private Sewage Disposal Licensing Act and Code (2003).
- (40) To add prohibited materials to a private sewage disposal system.
- (41) To use septage disposal methods that do not comply with 77 Ill. Adm. Code 905, Private Disposal Licensing Act and Code (2003).
- (42) To install a private sewage disposal system that is not installed according to the approved plans.
- (43) To fail to obtain the requisite permit to collect septage or to transport septage through Cook County.

**Sec. 38-55. – Penalties and Adjudication.**

- (a) ~~Any person, firm, company or corporation that is found guilty of violating determined to have violated any provision of this article, shall be issued a citation and subject to a fine of \$350 - \$1,000 for the first violation, a fine of \$500 - \$2,000 for the second violation, and a fine of \$1,000 - \$6,000 for each subsequent violation. or fails to comply with any rule, regulation, or order issued by a representative of the Health Department shall be fined not less than \$500.00 or more than \$1,000.00 for each violation. A person or entity found guilty of an offense may be subject to between 15 to 30 days imprisonment, confinement or equivalent community service. A person or entity found guilty of committing a repeat violation of any provision of this article shall be fined not less than \$1,000.00 or more than \$5,000.00. A person or entity found guilty of a repeat offense may be subject to between 30 days and 180 days imprisonment, confinement or equivalent community service. For purposes of determining a repeat violation, a repeat violation is a violation of this article that occurs within two years of the same or a substantially similar violation of this article. the first violation of a provision of this article must have occurred within two years of the second violation of the provision.~~
- (b) In addition to any penalty provided by this article, the health department may request that the Cook County State's Attorney initiate action to obtain injunctive relief in the Circuit Court of Cook County, Illinois, including the issuance of a temporary restraining order and preliminary injunction, in order to abate any such nuisance condition

as enumerated in this article.

(c) All penalties assessed by the Court under this article shall be payable to the health department for deposit with the Cook County Treasurer's Office. Only checks or money orders made payable to the health department will be accepted. Administrative adjudication. Any person issued a notice of violation of any provision of this article may request an administrative hearing.

(1) Notice.

a. Before any administrative adjudication proceeding may be conducted, the parties shall be afforded notice in compliance with this section.

b. Unless otherwise provided by law or rule, the issuer of a notice of violation or notice of hearing shall specify on the notice his or her name and department; where known, the name and address of the person or entity charged with the violation; the date, time and place of the violation; and the section of the code or departmental rule or regulation which was allegedly violated; and shall certify the correctness of the specified information by signing his or her name to the notice. A notice of hearing shall also include the date, time and location of the hearing and the penalties for failure to appear at the hearing.

c. The County shall notify the violator, within ten days, by certified mail return receipt requested, that an administrative adjudication hearing will be conducted. The hearing shall be scheduled and held, unless continued by order of the administrative law officer, no later than 30 days after the date of the violation.

(2) Administrative hearings.

a. Any administrative adjudication proceeding conducted by the County shall afford the parties an opportunity for a hearing before an administrative law officer.

b. An attorney who appears on behalf of any person shall file with the administrative law officer a written appearance on a form provided for such purpose.

c. While the case for the County will not be presented by the administrative law officer; documentary evidence, however, including the notice of violation, which has been prepared by the Sheriff or the Department of Public Health, may be presented at the hearing by the administrative law officer.

d. The administrative law officer may grant continuances only upon a finding of good cause.

e. All testimony shall be given under oath or affirmation.

f. The administrative law officer may permit witnesses to submit their testimony by affidavit.

g. The formal and technical rules of evidence shall not apply in the conduct of the hearing. Evidence, including hearsay, may be admitted only if it is of a type commonly

relied upon by reasonably prudent persons in the conduct of their affairs.

h. No violation may be established except upon proof by a preponderance of the evidence; provided, however, that a violation notice, or a copy thereof, shall be prima facie evidence of the correctness of the facts specified therein.

i. Upon the timely request of any party to the proceeding, any person, who the administrative law officer determines may reasonably be expected to provide testimony which is material and which does not constitute a needless presentation of cumulative evidence, shall be made available for cross-examination prior to a final determination of liability.

j. The record of all hearings before an administrative law officer shall include: (i) a record of the testimony presented at the hearing, which may be made by tape recording or other appropriate means; (ii) all documents presented at the hearing; (iii) a copy of the notice of violation or notice of hearing; and (iv) a copy of the findings and decision of the administrative law officer.

k. Upon conclusion of a hearing, the administrative law officer shall issue a final determination of liability or no liability. Upon issuing a final determination of liability the administrative law officer may: (i) impose penalties and/or fines that are consistent with this article or other applicable provisions of the County Code; (ii) issue orders that are consistent with applicable provisions of the County Code; and/or (iii) assess costs reasonably related to instituting the administrative adjudication proceeding; provided, however, that in no event shall the administrative law officer have the authority to impose

l. In the issuance of a final determination of liability, an administrative law officer shall inform the violator of his or her right to seek judicial review of the final determination.

(3) Hearing procedures not exclusive. The use of the administrative adjudication procedure for above listed nuisance violations shall not preclude the county from using other methods to enforce the provisions of article.

(d) All penalties assessed by the Department of Administrative Hearings shall be payable to the Department of Revenue, in accordance with Chapter 2, Article IX, Section 2-921 of the Cook County Code. All penalties assessed by the Circuit Court under this article shall be collected by the Cook County Clerk of Court for deposit with the Cook County Treasurer's Office. The complaining party, in any case brought by a private citizen, shall be allowed to recover their court costs, filing fees, and their attorney's fees from the defendant if the court finds in favor of the plaintiff.

(e) The petitioner, in any case brought by a private person, shall be allowed to recover their court costs, filing fees, and their attorney's fees from the respondent if the court finds in favor of the petitioner.

The responding party, in any case brought by a private citizen, shall be allowed to recover their court costs, and attorney's fee from the private party in any

(f) The respondent, in any case brought by a private person, shall be allowed to recover their court costs, filing fees, and attorney's fees from the petitioner if the court finds in favor of the respondent.

**Effective Date:** This Ordinance Amendment shall be in effect 60 days following adoption.

**\*Referred to the Zoning Board of Appeals on 12/18/12.**

**Commissioner García, seconded by Vice Chairman Murphy, moved the Approval of Communication No. 321275. The motion carried.**

**Commissioner García, seconded by Commissioner Tobolski, moved to Accept the Substitute Ordinance Amendment for Communication No. 321275. The motion carried, and Communication No. 321275 was SUBSTITUTED, as follows:**

#### **SUBSTITUTE ORDINANCE AMENDMENT FOR COMMUNICATION NO 321275**

Sponsored by TONI PRECKWINKLE, President and JESÚS G. GARCÍA and PETER N. SILVESTRI, County Commissioners

#### **AMENDING PUBLIC HEALTH AND PRIVATE NUISANCE ORDINANCE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 38, Health and Human Services, Article III, Public Health and Private Nuisances, Section 38-51 through Section 38-55, of the Cook County Code shall be amended as follows:

##### **Sec. 38-51. - Purpose and jurisdiction.**

- (a) *Title.* This article shall be known as the "Public Health and Private Nuisance Ordinance" of Cook County, Illinois.
- (b) *Purpose.* This article shall be liberally construed and applied to protect and improve the public health and the quality of life for individuals residing in the unincorporated area of Cook County.
- (c) *Jurisdiction.* The provisions of this article apply to the unincorporated area of Cook County and such other areas as may be designated by the Cook County Board of Commissioners in accordance with State Statutes but excluding all publicly owned property or rights-of-way under the jurisdiction of any governmental agency.
- (d) *Enforcing Authority.* The Cook County Department of Public Health (CCDPH) shall enforce this Ordinance with respect to all properties within the area of jurisdiction described above, including vacant lots, but excluding vacant buildings which shall be enforced by the Cook County Department of Building and Zoning as defined in the Cook County Vacant Building Ordinance, Sec. 102-2 et seq..

~~(d)~~(e) *Severability*. If any section, paragraph, sentence, clause or phrase of this article is declared unconstitutional or the application thereof is held invalid, it shall not affect the validity of the remainder of this article and the application of such provisions to other persons and circumstances.

**Sec. 38-52. - Definitions.**

Unless the context clearly requires otherwise, the words and phrases set forth herein shall have the meanings set forth in this article. Words and phrases not defined in this article shall have the meaning indicated by common dictionary definition.

*Compost* shall mean a humus-like product derived from the process of composting waste, which may be used as a soil conditioner.

*Compost bin* shall mean a structure constructed of durable nontoxic, noncarcinogenic material, such as rot-resistant wood, block, or sturdy woven wire fencing, for the purpose of containing a compost pile, or a commercially available container designed specifically for composting, distinct from a garbage or waste container.

*Composting* shall mean the biological treatment process by which microorganisms decompose the organic fraction of waste, producing compost. Only materials generated by the residents of the property where the compost pile or bin is located are permitted to be composted. Examples of permitted materials include: grass clippings, leaves, weeds that have not gone to seed, non-diseased plants, evergreen cones or needles, straw, sawdust, wood ashes, fruit or vegetable scraps, coffee grounds, eggshells, and commercially available ingredients specifically designed to speed or enhance decomposition. Examples of prohibited materials include: fats, oils, grease, or lard; dairy or meat products; human or pet feces; diseased plant waste; poisonous substances; chemically treated lumber, sawdust from chemically treated lumber, or other chemically treated materials; inorganic material; and other materials that may attract vectors. Proper composting techniques including, but not limited to, timely aeration, soil addition and the monitoring of moisture content shall be maintained. Equine waste may, however, be composted in accordance with all Illinois Department of Agriculture regulations. Such composting of equine waste is only allowed in areas where the Cook County Zoning Ordinance permits keeping of horses. It is not the intent of this section to prohibit farmers or gardeners from incorporating bovine or equine waste into the soil for fertilizer.

*Domestic sewage* shall mean waste water emanating principally from, but not limited to: dwellings; business or office buildings; institutions; food service establishments and similar facilities; recreational, construction, office, and school trailers or similar facilities. Domestic sewage may contain, but is not limited to, human excrement, laundry waste water, kitchen and bathroom waste water, water used for cleaning, water from building floor drains, and water used for processing. The term does not include surface drainage water or footing water.

*Garbage* shall mean putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food. Domestic sewage containing human excrement or body waste is not defined as garbage.

~~*Health Department of Public Health*~~ or *CCDPH* shall mean the Cook County Department of Public Health.

*Improperly treated domestic sewage* is domestic sewage that comes to the ground surface directly from any component of a conventional subsurface septic tank and seepage tile system, and domestic sewage emanating from a malfunctioning or broken public outdoor building sewer serving a structure listed in the definition for "domestic sewage" hereinabove and occurring within the property line. It is also defined as any direct surface sewage discharge from a mobile conveyance holding tank, pumper truck tank, or an improperly designed, maintained, or installed sanitary dump station. In cases where surface discharges of treated effluent have been allowed, the domestic sewage shall be deemed improperly treated if the treated effluent is not in compliance with any applicable provision of Section 905.110(d) of the Illinois Code, 77 Ill. Adm. Code 905, Private Sewage Disposal Licensing Act and Code. (2003).

*Litter* shall mean paper; cigarette butts; glass; plastic; grass clippings, or other lawn, yard, or garden waste such as leaves, twigs, tree branches, and tree roots that are less than a one-half inch in diameter, uprooted weeds, shrubbery cuttings, brush, and plant stalks; needles, syringes, and lancets; carcasses of dead animals, excrement from domestic pets, manure from other domesticated animals; and other nonputrescible waste.

*Mold* shall mean any microscopic fungi, including mushrooms and yeasts.

*Person* shall mean means any individual, corporation, limited liability corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity.

*Serial violation* shall mean one in which the violator has received two or more notices for the same or substantially similar violations from ~~the health department~~ *CCDPH* within two years.

*Vectors* shall mean any arthropod, rat, mouse, bird, or other animal capable of carrying disease producing organisms to a human host. It does not include animals that transmit disease to humans only when used as food.

#### **Sec. 38-53. - General provisions.**

- (1) Representatives of ~~the Health Department~~ *CCDPH* are hereby authorized and empowered to make all inspections of buildings, structures, property, and premises.
- (2) Representatives of ~~the Health Department~~ *CCDPH* may enter all buildings, structures, property, and premises in order to enforce the provisions of this article during reasonable hours subject to reasonable notice, to the extent consistent with applicable law. Such representatives shall have the



authority to make such decisions and determinations as are necessary with respect to the enforcement of this article, and impose such requirements and orders as are necessary to bring such buildings, structures, property, and premises into compliance with this article.

- (3) Representatives of CCDPH are authorized to obtain an administrative warrant, in the event that consent to an inspection is necessary but refused or withheld. Such representatives are also authorized to obtain assistance from the Cook County Sheriff's Office to serve and execute an administrative warrant, a search warrant, or other notices.
- (4) Failure to grant access to any building, structure, property, or premises to determine compliance with this article after presentation of an administrative warrant is a separate violation of this article punishable in accordance with the penalties section of this article [Section 38-55].
- (4)(5) It shall be deemed a separate violation of this article for any person to knowingly furnish any false or misleading~~Submission of any information or complaint either in writing or orally to CCDPH~~the Health Department that contains false or misleading information is a separate violation of this article, and said violation shall be punishable in accordance with the penalties section of this article [Section 38-55].
- (5)(6) When an investigation, whether based upon complaint or otherwise, ~~shall~~ discloses that a violations of this article exists, ~~CCDPH~~the Health Department shall give notice in writing to the owner, occupant, lessee, or person in possession, charge or control of such building, structure, property, or premises, to make such changes, alterations, repairs, or to perform such work, or to take such action to correct the violations ~~within such time as shall be designated by the Health Department. The~~ in no event will this time period for making any corrections shall be designated by CCDPH, and shall not exceed 30 days after the service of such notice, unless otherwise authorized in writing by CCDPH's Director of Environmental Health Services, or his/her designee.
- (6)(7) In the event that satisfactory changes, alterations, repairs, work, or actions have not been ~~initiated~~made within the time ~~specified in said notice~~designated by CCDPH per Section 38-53 (5 6) above, CCDPH~~the Health Department may~~shall issue a citation and schedule a hearing before the Administrative Hearings Department of Cook County, pursuant to the rules and procedures of that Department, or notify the State's Attorney's Office of such violations of this article or any default of such notice, and ~~recommend~~seek legal prosecution. The discretion to extend the period for making any corrections beyond the time designated by CCDPH per Section 38-53(5 6) above shall be reserved to the hearing officer or judge.

- ~~(7)~~(8) In the event of a serial violation of any provision of this article, CCDPH may request criminal prosecution by the State's Attorney's Office pursuant to 720 ILCS 5/47-5 ~~after seven days' notice.~~
- (8) ~~Representatives of the Health Department are authorized to request assistance from the Cook County Sheriff's Police to serve an administrative warrant, a search warrant, or other notices.~~
- (9) If any condition not covered by this article is observed that may be injurious to the safety of the public, representatives of ~~CCDPH~~the Health Department ~~may~~shall request the assistance of the Cook County Department of Building and Zoning. Such matters include but are not limited to: municipal sewer systems; municipal water systems; electrical systems; plumbing; excavations; unsafe buildings; fire prevention and safety; ventilation, including air exchanges; lighting and heating; drainage; grading; standing water problems; structural integrity; occupancy; property maintenance; and similar matters where the Cook County Department of Building and Zoning has inspectional authority.
- (10) ~~Authorization is given to members of the general public who are directly affected by any violation of this article to enforce the provisions of this article based upon the citizen's sworn complaint filed with the Clerk of the Circuit Court and prosecuted as provided by law.~~
- (11) The ~~Health Department of Public Health~~ Health Department ~~has the authority to promulgate rules and regulations to carry out the intent and purpose of this article. Failure to comply with the rules and regulations promulgated by the Health Department~~ CCDPH ~~is a separate violation of this article punishable according to the penalties section of this article.~~

#### **Sec. 38-54. - Declared nuisances.**

The following are declared to be public nuisances that are injurious to the public health, and therefore, it is unlawful for any person to commit any of the following acts:

- (1) To deposit or throw garbage or litter onto the ground surface, property, or in any water course, lake, pond, spring, well or common sewer.
- (2) To allow garbage or litter to accumulate on the ground surface, property, or in any water course, lake, pond, spring, well or common sewer on property that is under their control or ownership regardless of who threw or deposited the garbage or litter there.
- (3) To deposit or throw garbage or litter into a garbage container or a waste container owned by another person without the consent of the owner or person in possession of said container.
- (4) To burn garbage in the open.

- (5) To use a garbage container or a waste container that is not fly tight.
- (6) To use a garbage container or waste container that is not constructed from nonabsorbent, durable, metal or hard plastic material and that is not provided with a tight fitting cover. The use of a plastic bag for the outside storage of garbage is prohibited, except when placed for regular scavenger pickup by a State of Illinois licensed waste hauler and only during the daylight hours of the day of pickup.
- (7) To use a garbage container or a waste container for the outside storage of garbage by a commercial establishment that is not placed on a paved, well-drained surface.
- (8) To use a garbage container or waste container that has holes or other defects for the outside storage of garbage and litter.
- (9) To fail to have garbage and/or litter removed from the premises at least once a week by a State of Illinois licensed waste hauler. A person who controls a residence or a commercial, service, industrial, or business entity located in the unincorporated area shall keep records of such removal service for at least one year, and shall make these available for inspection by CCDPHthe Health Department upon request. Failure to provide a current record or bill from the waste hauler at the time of the inspection will be considered prima-facie evidence that such service does not exist.
- (10) To leave the lid off a garbage container except when placed for scavenger pickup by a State of Illinois licensed waste hauler and only during the daylight hours of the day of pickup.
- (11) To use unsanitary, leaking, or defective garbage or waste containers. All containers shall be cleaned, repaired or replaced by the owner or person in control of the property.
- (12) To store, dump, or permit the accumulation of tires, buckets, cans, wheelbarrows, garbage cans, or other containers in a manner that may hold water and harbor vectors.
- (13) To dump, deposit, drop, throw, discard, or leave litter or garbage, or to cause or permit the dumping, depositing, dropping, throwing, discarding or leaving litter or garbage upon any public or private property except as may be allowed by local or State agencies.
- (14) To dispose of health care items such as needles, syringes, lancets, and other sharp objects without first placing these objects in a hard plastic container or a metal container that are provided with a screw on lid or other tightly secured lid.

- (15) To allow pets to defecate on property owned by another person or entity without permission unless such waste is picked up and promptly removed from said property.
- (16) To allow pet waste to accumulate on the ground surface of property under their control or ownership regardless of who owns the domestic pet.
- (17) To have more than three adult companion animals living at any one individual residential unit. The term companion animal shall include domestic dogs, domestic cats, and ferrets. For purposes of this article, an animal shall be considered an adult when it reaches four months of age.
- (18) To discharge improperly treated domestic sewage from a sewage disposal system serving the property under their ownership or control to the ground surface, farm tiles, streams, rivers, ponds, lakes, storm sewers, roadside ditches, other collectors of water, water well, cisterns, basements, underground mines, caves, sinkholes, tunnels, wells, or in a manner that does not comply with the requirements of Ill. Code, 77 Ill. Adm. Code 905, Private Sewage Disposal Licensing Act and Code (2003). The existence or appearance of any fluorescein dye on the ground surface or otherwise outside of a septic tank and seepage tile system that has been so dyed shall be deemed to be prima facie evidence that such system is discharging improperly treated sewage to the ground surface in violation of this article.
- (19) To fail to provide clean and sanitary public or employee restrooms.
- (20) To improperly maintain a public or residential swimming pool, or wading pool or any other man made basin or container of water that is offensive, injurious, or dangerous to the public health.
- (21) To permit the accumulation of outdoor litter to such an extent that it may harbor vectors that are offensive, injurious or dangerous to the public health.
- (22) To compost in a manner that is not permitted in this article.
- (23) To locate or place a compost pile or bin in either the front yard or the side yard of a lot.
- (24) To use residential type compost piles or bins that are more than five feet in height and/or have a combined ground base area of more than one hundred square feet. Bins shall be structurally sound and kept in a state of good repair.
- (25) To place compost piles or bins over a drainage-way of any kind.
- (26) To allow any garbage site, premises, building, structure, or property to become infested with vectors.

- (27) To permit a water well or cistern to be unplugged, unsealed, or uncovered at any time after its abandonment for more than 30 days unless prior written approval is obtained from CCDPH~~the health department~~.
- (28) To own, maintain, or keep ~~or use~~ a building or structure that is unfit for human habitation or occupancy. A building or structure is unfit for human habitation or occupancy if it does not contain any or all of the following:
  - a. Properly functioning, maintained, and installed potable water system~~s~~, or
  - b. Electricity or gas for cooking and/or heating~~s~~, or
  - c. Properly functioning equipment for heating the building~~s~~, or
  - d. Properly functioning appliances for cooking and refrigerating food~~s~~, or
  - e. A properly functioning, maintained, and installed sewage disposal system.
- (29) To own or maintain rental property that contains excessive moisture or water that has or may result in indoor mold growth.
- (30) To allow a privy vault to exist that is not fly-tight.
- (31) To leave any septic tank, cesspool, pit privy, aerobic treatment plant, or seepage pit in the ground after discontinuing its use as a component of a sewage disposal system without first having the contents pumped by a State of Illinois and Cook County-licensed septage hauler. Once pumped, the tank, cesspool, pit privy, treatment plant, or seepage pit must either be removed from the ground or broken, cracked, or crumbled and filled with sand or compacted soil.
- (32) To dispose of domestic waste by any means that is not specifically authorized by either the Illinois Environmental Protection Agency or CCDPH~~the health department~~.
- (33) To maintain any building, structure, property, or premises or any part thereof that is unsanitary, unhealthy, or ~~and~~ unfit for human habitation, occupancy, or use.
- (34) To fail to ~~eat~~ maintain grass, and weeds below 10 inches in height, or to fail to maintain brush in a manner that may prevents the harboring of vectors.
- (35) To discharge wastewater from aerobic treatment plants in a manner that does not comply with 77 Ill. Adm. Code 905, Private Sewage Disposal Licensing Act and Code (2003).

- (36) To fail to provide temporary toilet facilities at a construction site.
- (37) To construct, install, repair, modify or maintain a private sewage disposal system in a manner that does not comply with 77 Ill. Adm. Code 905, Private Sewage Disposal Licensing Act and Code (2003).
- (38) To pump, haul, and/or dispose of waste from a private sewage disposal system in a manner that does not comply with 77 Ill. Adm. Code 905, Private Sewage Disposal Licensing Act and Code (2003).
- (39) To fail to provide the vertical and/or horizontal separation distance between water lines and sewer lines in a manner that does not comply with 77 Ill. Adm. Code 905, Private Sewage Disposal Licensing Act and Code (2003).
- (40) To add prohibited materials to a private sewage disposal system.
- (41) To use septage disposal methods that do not comply with 77 Ill. Adm. Code 905, Private Disposal Licensing Act and Code (2003).
- (42) To install a private sewage disposal system that is not installed according to the approved plans.
- (43) To fail to obtain the requisite permit to collect septage or to transport septage through Cook County.

Sec. 38-55. – Penalties and Adjudication.

- (a) ~~Any person, firm, company or corporation that is found guilty of violating any provision of this article or fails to comply with any rule, regulation, or order issued by a representative of the Health Department shall be fined not less than \$500.00 or more than \$1,000.00 for each violation. A person or entity found guilty of an offense may be subject to between 15 to 30 days imprisonment, confinement or equivalent community service. A person or entity found guilty of committing a repeat violation of any provision of this article shall be fined not less than \$1,000.00 or more than \$5,000.00. A person or entity found guilty a repeat offense may be subject to between 30 days and 180 days imprisonment, confinement or equivalent community service.~~ that is determined to have violated any provision of this article, shall be issued a citation and subject to a fine of \$350 - \$1,000 for the first violation, a fine of \$500 - \$2,000 for the second violation, and a fine of \$1,000 - \$6,000 for each subsequent violation. For purposes of determining a repeat violation this article, the first a repeat violation of a provision of this article must have occurred is a violation of this article that occurs within two years of the second same or a substantially similar violation of the same provision this article.

- (b) In addition to any penalty provided by this article, ~~the health department CCDPH~~ may request that the Cook County State's Attorney initiate action to obtain injunctive relief in the Circuit Court of Cook County, Illinois, including the issuance of a temporary restraining order and preliminary injunction, in order to abate any such nuisance condition as enumerated in this article.
- (c) ~~All penalties assessed by the court under this article shall be payable to the health department for deposit with the Cook County Treasurer's Office. Only checks or money orders made payable to the health department will be accepted.~~ Administrative adjudication.
  - (1) Proceedings for administrative adjudication of alleged violations of this ordinance shall be conducted pursuant to the procedures set out in Chapter 2, Article IX, of the Cook County Code of Ordinances, except in the event of a conflict between the procedures set out in Chapter 2, Article IX, and the procedures set out in this section, the procedures set out in this section shall prevail.
  - (2) If an administrative law officer finds, by a preponderance of evidence, that the property is in noncompliance with this ordinance, then the administrative law officer shall assess fines and costs. After expiration of the period within which judicial review of the hearing officer's decision may be sought under the Illinois Administrative Review Law, the order assessing fines and costs decision, unless reversed or modified on judicial review, may be enforced in the same manner as a judgment entered by a court of competent jurisdiction. All expenses incurred to enforce the judgment, including, but not limited to, attorney's fees, court costs, and collection fees, shall be a debt due and owing the County and may be collected in accordance with applicable law.
  - (3) If an administrative law officer finds, by a preponderance of the evidence, that the property is in noncompliance with this ordinance, then the administrative law officer may enter an order of abatement which requires the owner to take all reasonable measures necessary to abate the noncompliance. If an order of abatement is entered, it shall be entered at the time of the entry of the order assessing fines and costs for violations which occurred prior to the entry of the order of abatement. The order assessing fines and costs shall not be final, until a final order is entered as to the abatement of the violations. Any owner who fails to comply with an administrative law officer's abatement order shall be subject to a fine not less than \$500.00 and not more than \$1,000.00 for each offense. Each day that the violation occurs shall be considered a separate and distinct offense.
- (e)(d) All penalties assessed by the Department of Administrative Hearings shall be payable to the Department of Revenue, in accordance with Chapter 2, Article IX, Sec. 2-921 of the Cook County Code. All penalties assessed

~~by the Circuit Court under this article shall be payable to the health department collected by the Cook County Clerk of Court for deposit with the Cook County Treasurer's Office. Only checks or money orders made payable to the health department will be accepted.~~

- ~~(d) The complaining party, in any case brought by a private citizen, shall be allowed to recover their court costs, filing fees, and their attorney's fee from the defendant if the court finds in favor of the plaintiff.~~
- ~~(e) The responding party, in any case brought by a private citizen, shall be allowed to recover their court costs, filing fees, and attorney's fee from the private party in any case where the court finds in favor of the defendant.~~

**Effective Date:** This Ordinance Amendment shall be in effect 60 days following adoption.

**Commissioner García, seconded by Vice Chairman Murphy, moved to Approve Communication No. 321275 as Substituted as amended. The motion carried.**

**Vice Chairman Murphy, seconded by Commissioner Fritchey, moved to adjourn the meeting. The motion passed and the meeting was adjourned.**

## SECTION 2

### YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTION WITH REGARD TO THE MATTERS NAMED HEREIN:

Communication Number 324284	Recommended for Approval
Communication Number 324285	Recommended for Deferral
Communication Number 324315	Recommended for Approval as Substituted
Communication Number 319867	Recommended for Deferral to September 11, 2013
Communication Number 321275	Recommended for Approval as Substituted and Amended



Respectfully submitted,  
Committee on Zoning and Building



Peter N. Silvestri, Chairman

Attest:



Matthew B. DeLeon, Secretary

\*The transcript for this meeting is available in the Office of the Secretary to the Board, 118 North Clark Street, Room 436, Chicago, IL 60602.

\*A video recording of this meeting is available on the Office of the Secretary to the Board's web site on the Video Page at <http://blog.cookcountyil.gov/secretarytotheboard/county-board-proceedings/county-board-video-and-audio/>

